The Outlook

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THE CHILDREN OF THE CITY

When all the children of the town had trailed after the Pied Piper and disappeared, the people of Hamelin discovered that what they had lost was what they counted most dear. There are better ways of learning the value of children. One of them is now being tried in New York City. It is called the Child Welfare Exhibit. The big, forbidding armory of the Seventy-first Regiment is now (January 18–February 12) devoted to the children of the city. After even a casual stroll through the exhibits, one comes away with a new understanding of the dangers that surround childhood, but with decided hopefulness. It would have been easy to over-emphasize the pathetic or the gruesome. There is enough of both in a big city like New York to fill to overflowing such an exhibit as this. Fortunately, the normal and the wholesome prevails in the armory, as, on the whole, it prevails outside. In the main hall of the armory, at the entrance to the exhibits, there is a piece of statuary in heroic size. It is the work of the sculptor Louis Potter. It consists of four figures representing three generations. There is an old man bent under a great burden. By his side, his son and his son's wife are carrying their burdens. The three burdens are joined. Under the roof of these bent forms stands a little child. There is no burden visible upon his shoulders, but, like his grandfather and his parents, he stands in the attitude of a burden-bearer; he feels the weight that rests upon the shoulders of his ancestors. What these burdens are and how they press upon the child is graphically suggested in the exhibit. Some of these burdens are those of heredity. The frail body and the slow brain are in some cases burdens which the child bears from birth. Most of the burdens, however, are those of environment—the cramped home, cold, heat, dirt, toil, disease. Certainly no one who has a heart can be indifferent to the pathos of those hundreds and thousands of children upon whom such things have left their mark. This exhibit, however, is not chiefly a story of wrong or wretchedness; it is chiefly a story of struggle for a fair chance for all children, with many victories and with the prospect of increasing victories to come.

WHAT CAN BE SEEN

One turns naturally to see what this exhibit has to show about children's play. This surely is one of the essentials of childhood. Hanging on one of the walls are Stevenson's lines—odd verse to be found in an armory:

> "Happy hearts and happy faces,
> Happy play in grassy places—
> This is how, in ancient ages,
> Children grew to kings and sages."

Beneath these lines is a photograph of children playing in a gutter. For thousands of children in New York the paved streets must serve as "grassy places." It is there that they have their games—there or nowhere. What is the consequence? Over half of the arrests of children in New York are for playing games. In the one month of July, 1909, there were 128 arrests for playing ball in the streets, and even more for playing "cat." What is to be done? The children cannot answer that question; the city must answer it. Some ways of answering it are suggested at this exhibit. Here is, for example, a plan for using the "unlimited acres of roof space;" here another, for six lots of playgrounds, one over another, on one lot of space; here a plan for closing certain blocks to traffic during certain hours and reserving them for the children. The moving picture shows, the dancing halls, the recreation piers—these and other recreation centers furnish fact and suggestion. Play, however, fills only one alcove out of many. A large proportion of space is devoted to the children at home. What should their clothing cost? How can a mother test the strength and color of clothing material? How may rooms be effectively and cheaply furnished? These answers are all given, not in book and chart merely, but in cloth and clothing effectively displayed and in model rooms completely furnished. Here one can find what the minimum cost of clothing a family of five for a year is; or what a working-girl, getting six dollars a week, can procure for clothing—and the clothes are there to be judged at first hand. It is not merely the tenement family that occupies the whole stage. Here, for example, is a play-room fitted up for the use of three children, the furniture all made of packing-boxes, stout, convenient, ornamental, supplying suitable places for tennis rackets, baseball bats, kites, bows and arrows, building blocks, musical instruments, and what not. So the visitor goes the rounds, seeing what a model milk-shop is, what care can be taken in the feeding of babies, what the Metropolitan Museum, the Natural History Museum, the Zoölogical Park, the Botanical Garden, the public libraries, the public schools, the charitable societies, the settlements, the various clubs, the churches, and the government of city and State are doing or may do for the children.

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SOME EXHIBITS IN ACTION

Besides the exhibits there are, every day, lectures, conferences, demonstrations. On the second day of the exhibit, before the armory was open to the public, pupils of a Brooklyn public school gave an exhibition of the operations of a "school city." In the main hall of the armory, beyond Mr. Potter's heroic group, chairs are arranged before a platform. Up to this platform filed a group of boys. They were the Board of Estimate and Apportionment of the City of Public School 43, Brooklyn. Most of the boys seated themselves with dignity about a table, the rest on neighboring chairs. One of those who were seated at the table arose and called the meeting to order. A smaller boy at his side then stood, and with distinct enunciation, in a shrill voice that reached every one in his audience, called the roll—the Mayor, the Comptroller, the President of the Board of Aldermen, and the Borough Presidents. Then business was transacted. A motion to appropriate a dollar and a half for police badges was opposed on the ground of economy, and was defeated. A motion to provide blank books was also discussed and defeated. A motion to appropriate twenty dollars to supply the Department of Public Charities with shoes to be given to needy pupils was laid on the table pending investigation. So the business proceeded until adjournment. Then two officials—the Chief of Police and the Commissioner of Charities—read, in voices not yet "changed," their respective reports. In continuance of the "demonstration," the Board of Aldermen held a session. Finally there was the trial, before the Court of Special Sessions, of an offender—a boy who was alleged to have crossed the street contrary to rules. These were not actual transactions, but the repetition of actual transactions as recorded in the minutes of former meetings. Play, shall we call this? Possibly; but it is play that controls the collective action of hundreds of boys. Those who were present at this demonstration, in addition to the information received in graphic form from chart and picture and actual samples, got also an impression of what life in the city means to some boys. Among the features of the exhibit is a daily demonstration in cooking. There are also to be drills, athletic games, moving pictures, folk dances, and the like. On several occasions music is to be provided by the pupils of that most excellent discoverer and fosterer of musical talent, the Music School Settlement. Choruses of boys and of girls are also designated to take part. There is arranged a regular schedule of conferences on the various phases of child welfare—education, the home, the courts, recreation, libraries and museums, health, labor, philanthropy. The final conference is to be devoted to the measure now before Congress—that providing for a Federal Children's Bureau. No resident of New York or its environs, no visitor to New York, ought to let slip the chance to visit this exhibit.

HARVARD COLLEGE AND THE SCHOOL-BOY

Every boy who has the ambition to go to college is concerned in a decision reached last week by the Harvard Faculty. This was the approval of a new scheme of requirements for admission to Harvard College. The change which the Faculty has approved, and which will in all probability be adopted by vote of the two other governing bodies of the University—the Corporation and the Overseers—is radical. Though it does not do away with all entrance examinations, it means the complete abolition of the sort of entrance examinations that has been in vogue for years and that is almost universal among colleges. Heretofore when a boy undertook to go to Harvard he had to prepare himself in a certain number out of thirty designated subjects; he then had to present himself to be examined; he was marked; and if he reached a certain grade in a definite proportion of his subjects, he was admitted. The hurtful consequence incidental to this method has been twofold: it has kept out desirable students, and it has admitted undesirable students. A great many boys who would like to go to college, and are really worthy to go, are educated at schools which primarily prepare boys, not for college, and especially not for Harvard, but for a life of self-support. If such exceptional boys decide to go to Harvard, they have to take special studies or suffer special disadvantages. The consequence is that the proportion of boys going to Harvard College from the public high schools is shamefully low. On the other hand, boys who are not particularly ambitious—except for athletic or social honors—but who have money, can be tutored with no general training in view and with comparatively little real educational result, but with the object chiefly (in some cases solely) of passing those entrance examinations. The way is thus made comparatively easy for the well-to-do boy who loafs, and hard for the ambitious fellow without means. The proposed change involves, first, the submission of credentials from the applicant's school showing the amount and quality of work he has done; and, second, the passing of examinations in four general subjects—English, Latin (or French or German), mathematics, and one other. The judgment as to the suitability of the applicant is then rendered, not according to the rather rigid but really uncertain methods of marking in vogue heretofore, but according first to the opinion of the marker of the papers, who has the candidate's school record before him, and then the final decision of the Committee on Admissions. Moreover, there is to be an organization to make easier the co-operation between the college and the school. This new plan is of great significance. If it proves to be in practice what it seems to promise to be, it will accomplish at least two ends: it will bring the college and the high school into more rational relations, and it will replace a nominally rigid but really lax test of merit with one that is less mechanical and is therefore more just—severe to the frivolous, but discriminating toward those who have real acquirements. It looks as if Harvard were again to show its gifts for leadership.

A SEAMSTRESS TURNED NOVELIST

A widespread interest has been awakened in France by the appearance of a novel, "Marie-Claire," written by Mademoiselle Marguerite Audoux, a poor Parisian seamstress, who has suddenly, and apparently without any previous training in the art of writing, produced a story which has made so deep an impression on critical readers that it has been awarded a prize of five thousand francs from a Paris newspaper, has reached an edition of twenty-five thousand, and had a majority vote on the first ballot from the Goncourt Academy, though a more obscure rival, an American correspondent writes to the Boston "Transcript," was ultimately the recipient of the prize. The Goncourt Academy largely retains the traditions of extremely fastidious writing associated with the brothers whose name it bears. Mademoiselle Audoux, who has apparently captured in a first venture the good will of a country in which writing is more distinctly an art than in any other country, found that her eyesight would not bear the strain of protracted needlework, and turned to story-writing in the simplest spirit; and the story owes its popularity apparently to its simplicity. Marie-Claire's mother dies when she is five years old. She is abandoned by her father, and becomes an inmate of a Catholic orphanage, where she is much petted by Sister Marie Aimée, who has charge of the small children. This Sister, the reader is led to infer, is in love with the Curé who is chaplain to the establishment, and the Mother Superior is jealous of their intimacy. When Marie-Claire grows up, and there is some talk of apprenticing her to a dressmaker who happens to be the sister of the Curé, the Mother Superior intervenes and Marie-Claire is sent to a farm at Sologne, where she learns the life of the fields and of the woods, and where she falls, fortunately, into the hands of a very kind farmer and his wife, by whom she is treated as a member of the household. With the death of the farmer the farm changes hands, and Marie-Claire is sent once more to hard work at a sewing-machine. Then the brother of the new farmer's wife makes love to her, and she is sent back to the orphanage, where she is not welcomed and where she is sent to work in the kitchen. Yet she is happy once more in the affection of the Sister Désirée des Anges, who has charge of the kitchen, and she has a last interview with her old friend Sister Marie Aimée, who passes through the orphanage on her journey to the Leper Island, where she dies. When Sister Désirée dies, Marie-Claire is handed over to her own sister, whom she has not seen since infancy, and who is married to a small farmer. A bequest of forty francs by the Mother Superior so endows Marie-Claire in the eyes of her sister that the young girl is sent to Paris to seek her fortune, and the novel ends leaving her on the train. The style of this story is one of great simplicity and quiet charm, not lacking in dramatic effectiveness. In view of the extraordinary vital conditions, so to speak, under which this story was written, its appearance in English will be awaited with great interest.

THE HEBREW COUNCIL

The recent meeting in New York City of the Council of the Union of American Hebrew Congregations was of peculiar public interest. Of the two million Jews in our country, at least half reside in New York, the greatest Jewish center in the world. A multitude of them, recent fugitives from Russian and Rumanian persecutions, peculiarly need the enlightening influences of their progressive coreligionists, the Reform Judaism of the Union, nearly two hundred congregations of which were represented in this meeting. In his address of welcome Mr. Daniel P. Hays said: "Because New York has more than a million Jews, whose religion teaches them to lead moral lives, it should be the purest city in the world." On the other hand, the temporary Chairman, Mr. Abraham Abrahams, said: "The greatest peril to American Judaism is here, because of the hurried congestion of Jews fleeing hither from barbaric persecution." The problem thus presented is both religious and patriotic. Strong emphasis was laid by various speakers upon the aim of the Union as expressed by the President, former Justice Leventritt: "We realize that our task is, through our religion, to make better American citizens." As opposed to the Zionism which would re-establish a Jewish State in Palestine, the motto of the Union is, "America is our Zion." It was stated that about half of the Jews in this country have drifted away from Jewish forms and influences. To reclaim them a home missionary movement is in progress. Its success in the People's Synagogue in Philadelphia is to issue in an extension work throughout the country. An eloquent address on "American Judaism" by President Kohler, of the Hebrew Union College, Cincinnati, so emphasized the Americanization of Jewish immigrants as to draw a protest from Dr. Heller, of New Orleans, as invidious to the orthodox majority outside of the Union. The divisions of Christianity into Catholic and Protestant, of Protestants into orthodox and liberal, are paralleled in the divisions of Judaism—the Union representing the reforming or Protestant element. Its distinctive affirmation is that Judaism is not a ritual or a dogma, but a life, and a Messianic mission to bring mankind to a knowledge of God and his righteousness. At the Union's banquet at the Hotel Astor Mr. Roosevelt was introduced by the toastmaster, Mr. Jacob H. Schiff, as "our guest of honor, who, more than any other American, living or dead, has taught the world the lesson that, equally with any other citizen of this country, the Jew is entitled to a square deal." In the course of his address Mr. Roosevelt said: "It has been my good fortune to be thrown with Jews, and they have done their work well wherever put. There are two qualities that the Jew possesses that are characteristic of the old native American, eminent practicality and eminent idealism, and I want to see these continue." In a subsequent address our Ambassador to Turkey, Mr. Straus, said: "The republicanism of the United States is the nearest approach to the ideals of the prophets of Israel that has ever been incorporated in the form of a State. . . . America is peculiarly a promised land, wherein the spirit of the teachings of the ancient prophets inspired the work of the fathers of our country." The morning of that day was given to the immigration question, of burning interest to all Jews because of the proposed restriction, which they solidly oppose. Secretary Nagel, of the Department of Commerce and Labor, declared himself wholly opposed to the illiteracy test. Drastic censures of the present law as administered were so satisfactorily rebutted by his address that it received applause and a vote of thanks. The Union does what it can to divert the stream of immigration from New York to other parts of the country.

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PATENT RIGHTS AND MONOPOLY Among the "trust" prosecutions now instituted by the Federal Department of Justice is that of the so-called "bath-tub trust." The evidence presented by the Government in this case discloses an apparent attempt to use the monopoly granted by the patent laws as a screen for an illegal monopolistic combination. Under our patent laws as interpreted by the courts it is unquestioned that a patentee may fix the price at which the patented article is sold. It is also a debatable question whether several owners of different patents on different parts of an article may legally pool their patents for the purpose of controlling the price at which the completed article is to be sold. But in the "bath-tub" case the patent, which is used as a device to justify a combination for the purpose of fixing prices and eliminating competition, is a patent, not upon the article manufactured by the combination, but upon an insignificant tool used in its manufacture. The prosecution is brought against sixteen corporations engaged in the manufacture of all kinds of enameled iron ware used in the plumbing of a house, such as bath-tubs, wash-basins, kitchen sinks, etc. The principal component of these articles is cast iron. The cast iron article is taken red hot from the furnace, and in that condition there is sifted upon it a "porcelain powder," the ingredients of which are secret. The combination of the powder with the red-hot iron forms the completed enameled product. Twenty manufacturers engaged in the business have an annual output of over sixteen million dollars. Two or three of the companies manufacturing the enameled ware own patents on different forms of a simple tool used in the manufacture of the ware. Under the old method of manufacture, the "porcelain powder" was applied to the tub by an operator who held the sieve containing the powder in one hand and tapped the handle of the sieve with the other. The patents are for different forms of an automatic tapper concealed in the handle of the sieve. Early last year, after a long series of conferences among the different manufacturers of the enameled ware, the patents on this little tool were assigned to a young man, apparently without capital, named Waymouth. Immediately thereupon this young man granted a license to each of the manufacturing companies for the use of these patents, under a contract which determined the prices at which the manufacturer should sell the completed enameled ware product and all the terms and conditions of sale, which prescribed the form of contract under which the manufacturer should sell to the jobber and the prices at which the jobber should resell, and which provided that no manufacturer should sell to any jobber who handled independent goods or who refused to sign a contract. Severe penalties were prescribed for failure to live up to the terms of this license agreement. Complete control of wholesale, jobbing, and retail prices of the enameled ware was the result. A civil suit against the sixteen manufacturers was instituted in July of last year. At that time the Department of Justice supposed that the question involved was the one which has been referred to above, namely, that of an agreement between the owners of patent rights concerning the protection of their patented inventions. The evidence soon established in the mind of the Department, however, that the licensing arrangement was established solely for the purpose of concealing a deliberate intention to violate the Sherman Anti-Trust Law. A criminal proceeding was thereupon instituted against the sixteen companies and thirty-four officers of those companies. Late in December the defendants offered to consent to an injunction in the civil suit and to plead guilty in the criminal suits, provided the Attorney-General would not ask the Court to impose jail sentences. This request it was impossible for the Attorney-General to grant, and both civil and criminal suits are being vigorously prosecuted.

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THE SENATE The following United States Senators were elected last week: Massachusetts, Henry Cabot Lodge, Republican; Pennsylvania, George T. Oliver, Republican; Minnesota, Moses E. Clapp, Republican; North Dakota, Porter J. McCumber, Republican. The new men are Henry F. Lippitt, Republican, of Rhode Island, to replace Senator Aldrich, Republican; John W. Kern, Democrat, of Indiana, to replace Senator Beveridge, Republican; Charles E. Townsend, Progressive Republican, of Michigan, at present Representative in Congress, to replace Senator Burrows, Conservative Republican; Gilbert M. Hitchcock, Democrat, of Nebraska, at present Representative in Congress, to succeed Senator Burkett; Asle J. Gronna, Republican, of North Dakota, at present Representative in Congress, to replace Senator Purcell, Republican; James A. Reed, Democrat, of Missouri, to replace Senator Warner, Republican; Miles Poindexter, Progressive Republican, of Washington, at present Representative in Congress, to replace Senator Piles, Conservative Republican. The Senate and the country suffer a serious loss in the failure of Indiana to re-elect Senator Beveridge. On the other hand, both are to be congratulated on the re-election of Senator Lodge. No man in the Senate understands foreign relations better than he, and never in the history of our country was wise counse respecting our foreign relations more needed. Congressman Butler Ames's absurd charges need no refutation. First, he affirmed that Mr. Roosevelt had rebuked Mr. Lodge in the presence of the Secretary of the Navy, Mr. Newberry, for attempting to sell the Government some colliers at an extravagant price. When the story was promptly denied both by Mr. Roosevelt and by Mr. Newberry, Mr. Ames promptly, if not very ingenuously, abandoned the slander with the remark: "I do not question your denial. . . . In fact, I expected you to do so. . . . This particular part of the controversy may safely be left to some future time." Then he attempted to substitute, as a support for his charge of political corruption, the statement that the charge had been made before and had not been denied by the Senator. This assumption that a charge is to be taken as proved if it is not denied is preposterous. If this were the fact, it would have to be taken as proved that the greatest personality in history was a blasphemer, that he was a traitor to his nation, that he sought to turn the people from their allegiance to Jehovah, that he was a revolutionary and endeavored to overthrow the Roman Government, that he forbade his followers to pay their taxes, that he was an anarchist and threatened to destroy the temple at Jerusalem, and that he was a man of low moral character—a glutton and a winebibber. For all these charges were brought against him, and he never denied them. No self-respecting man is going before the public saying, "I am not a thief." What is the use? If he is a thief, of course he would be a liar. Mr. Lodge has many enemies, some personal, some political, but no one of them, not even

Mr. Ames, seriously believes him to be guilty of personal corruption. The best reply to such charges is contemptuous silence.

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NEW YORK'S NEXT SENATOR For the first time in many years the State of New York is to be represented in the United States Senate by representatives of the two great National political parties. The task now before the New York Legislature is one which it is not exaggeration to call momentous; for the occasion is a critical one both for the State itself and for the Democratic party. If that party knows its own true interest, it will select a man who shall in National affairs stand for a broad and progressive policy. It would be a lamentable party weakness, and it might be a disgrace to the State at large, if a man were selected for the post who does not affirmatively possess the personal qualifications of unquestioned integrity and of statesmanlike wisdom. The Democrats of New York and the entire body of citizens will assuredly feel disappointed, and will seem contemptible in the eyes of the Nation, if they do not send to the United States Senate a man who may compare favorably in these qualities with his Republican colleague, Senator Root. It has been asserted, and we believe that the assertion is true, that from the time of Seward to the time of Root, New York—the greatest and most important of our States, an empire as regards size, population, and wealth—only once or twice has been represented by a statesman who would bear comparison with either of the two men just named. Looking at the problem in New York from this point of view, one can but feel disappointment. Up to the end of last week no immediate issue to the block in the Legislature seemed apparent. Mr. Sheehan is the caucus candidate of nine-tenths of the Democratic legislators—which is to say that Mr. Murphy's control is general, though not universal. Those Republicans who last November preferred that a State ticket practically nominated by Mr. Murphy should succeed, rather than that Mr. Stimson and the supporters of Governor Hughes's policies should be trusted, may view the result with what satisfaction they can. A small body of Democratic legislators have thrown off the obligations a caucus may impose and have boldly declared their right to vote as their conscience dictates. Mr. Shepard has been supported by a section of the party, and would undoubtedly be a worthy choice for the office, whatever may be said as to his magnetism and success in dealing with men. As to Mr. Sheehan, the objection is twofold: first, because he is the Tammany candidate and would represent Tammany rather than New York; secondly, because, whatever may be his personal honesty and ability, there are even more negative than positive reasons against him—in other words, he has had neither the training nor the associations which fit him to deal with National interests. For fifteen years he has kept away from even local political affairs, and his earlier career in State politics was not of a character to inspire confidence. He is a member of the law firm of which Judge Alton B. Parker is the head, and a succinct statement in "Who's Who" indicates the general direction of his personal activity since he left political life: "Director Kings County Electric Light and Power Company, Westchester Lighting Company, Albany Southern Railroad Company, Louisville Lighting Company, Connecticut Railway and Lighting Company, Western New York and Pennsylvania Traction Company, Trust Company of America."

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PAUL MORTON The sudden death of Paul Morton in this city last week came with a sense of shock as well as of grief to an exceedingly large number of personal friends, business associates, and people throughout the country who knew of Mr. Morton's substantial services in political life and in financial matters of magnitude. Mr. Morton's early training was that of a railway man, and his executive ability in carrying out large undertakings and in managing subordinates while he was an officer of the Atchison, Topeka, and Santa Fé Railway led to the offer of a Cabinet appointment from Mr. Roosevelt. At first it was proposed that Mr. Morton should be Secretary of Commerce and Labor, but for a time he was disinclined to leave the railway for a Cabinet office; a little later, in 1904, he became Secretary of the Navy, and in that office upheld the view of the head of the Administration with which he was associated that our naval equipment and construction should be commensurate with the importance of the United States among the nations of the world and with the large world-questions which might arise. Mr. Morton is quoted as saying: "I am an expansionist. I believe in expanding our internal resources by reclaiming arid lands of the West, and in expanding our external commerce by making the American name stand for ability to protect our ships and our citizens in all parts of the earth, so that wherever there is a legitimate field open our people may go there with a sense of security." Mr. Morton's ability as shown in governmental matters led to several offers of important financial responsibility in business life; in the end he assumed the presidency of the Equitable Life Assurance Company at a time when, the Hughes investigation having recently closed, it was evident that there was needed at the head of that great corporation a man who recognized large obligations to the public and to the country and one whose character was on an equality with his ability. The result has, beyond question, proved the wisdom of the choice made. A certain amount of misunderstanding has existed regarding Mr. Morton's connection with the railway rebate question. Up to a certain time, practically all the great railways of the country indulged in the practice of secret rebates, and in extenuation each declared that the general prevalence of the practice made it necessary to follow that practice or go out of business. Mr. Morton as a railway officer acted for a time as did other railway men. The difference was that Mr. Morton, having become convinced that the practice was wrong, did everything in his power to abolish it. Mr. Roosevelt, in a statement called out by the death of Mr. Morton, puts the matter in these words:

> It was to him more than to any other man that we owed the information which enabled the Government definitely to break the practice of giving rebates by the railroads. And this service was one which he alone among the railroad men was willing, at no small cost to himself, to render to the public, and for which he is entitled to the grateful remembrance of all men who deem it of prime importance to see the law rigidly and justly enforced. For private and public reasons both, I deeply regret his death.

THE ATTACK ON THE "NIGHT WATCH"

The problem of protecting works of art and at the same time placing them where the public can have access to them is not without its difficulties. All lovers of art were startled two weeks ago when they read of the mutilation of Rembrandt's "Night Watch" by a man who, on being arrested, declared that he had committed the act to get even with the State because he had been discharged from the navy, in which he formerly served as a cook. Many readers of The Outlook remember how strikingly Captain Cocq's company seems to be coming out of the canvas as one sees it in the Ryks Museum at Amsterdam. It was through the very center of this group that the slashes were made by a knife. It is greatly to be hoped that the experts are right in their belief that the damage can be repaired. Some critics hold that there are greater pictures from Rembrandt than the "Night Watch," but none is more widely known or has awakened so much popular interest. In the opinion of these students of Rembrandt the noble canvas which contains the portraits of the Syndics of the Clothmakers' Guild is a greater picture than the "Night Watch," by reason of its wonderful golden-brown tone as well as its strikingly vital portraiture. The "Night Watch" presents a larger number of figures—the officers and members of a company of city musketeers. Rembrandt had agreed to paint a portrait of each man in this picture for one hundred florins each; but the artist had forgotten that even on a large canvas there was room enough to give only a very few figures the most prominent places; and each of his clients expected to be put in a commanding position. The painter, whose thought was not on them but on the picture, arranged his composition so that the light was centered chiefly on two of the figures. This led to so much feeling on the part of the musketeers in the background that it awakened an animosity which seriously affected the fortunes of the great painter. The "Night Watch" was painted in 1642. A curious fact about it is that the picture does not belong to the Dutch Government, but to the municipality of Amsterdam, and the vandal who endeavored to destroy it was not revenging himself upon the State, but inflicting an injury upon the whole world of art lovers.

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BABUSHKA IN EXILE

From several sources the story of the journey of Madame Breshkovsky to her dreary Siberian place of exile has come to her friends in America. It is in substance as follows: Madame Breshkovsky was tried last spring, after more than two and a half years of detention in solitary confinement, and was exiled to a penal colony in Siberia, thousands of miles from St. Petersburg. She was held in prison till the large party to be deported to Siberia was ready, about one hundred and fifty political offenders—many, it is safe to say, intelligent, public-spirited, and self-sacrificing men and women—and one hundred criminals. She reached her destination on August 29. While this is nominally still summer, it was so cold that preparations had to be made at once for winter, but she had failed to receive her warm clothing or the money which had been sent to her. Accustomed to cross our continent in less than a week, Americans may be interested to know why it should have taken from spring till fall to make the journey from St. Petersburg to the Kirensk district, where these exiles were sent. Here is the route:

> From St. Petersburg by train to Irkutsk, a dirty, overcrowded, and disagreeable trip of twelve days; then two days walking, about twenty-five miles a day, to Alexandrovsk, where there is a hard-labor prison and where they are building large wooden barracks for a forwarding prison, which does not look as though the sending of prisoners to Siberia was to cease. It took a fortnight there to prepare for the last part of the long journey, but on the 9th of August they were finally under way, in bitter rain, for a place on the Lena River called Kachuga. Eighty peasant carts made up the train, each cart having three prisoners besides the driver. Thus they traveled six days and nights. The only extra comfort that the brave old woman would allow was extra hay in the bottom of the cart, but undoubtedly that was for the sick woman who was beside her. On reaching Kachuga they were placed on a boat under a guard of seventy men, floating down the river with the current for more than a week, "like so many herrings in a barrel." Madame Breshkovsky then seems to have been separated from the rest of the convoy. She was landed at the junction of another river, towed up a certain distance in a boat to a little village, where again she was put into a cart and driven over a rough cart road for another week, over a range of mountains, then down another river, and finally another cart drive to her present destination, an island in the cold Lena River.

Madame Breshkovsky has half of a log cabin, for which she pays $2.50 a month rent. The cost of even her simple living, of rye bread and tea mostly, is high. Apparently she has to meet all her own expenses for food and lodging. The Government pays the guards, one of whom is always watching her. One who saw her as she was on her way writes of her that she was bright and kind, and it seemed hardly possible that she was a woman of almost seventy, for her face was smooth, her eyes sparkled, and with her gray hair under the gray sky she stood in the rain an imposing figure. The young people in the train crowded about her. She was everywhere the object of attention, not only of her political comrades, but of the criminals and soldiers as well. The people were on the lookout for her, saying, "When is Babushka coming? God grant us to see her!" In the prison at Irkutsk they were eager to see her, and all Siberia seemed to be waiting with wonder and almost reverence to see this "miracle woman," as they call the famous exile who has survived so much and is still of good cheer and courage.

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WOMEN VOTERS' VIEWS ON WOMAN'S SUFFRAGE

No one expects woman's suffrage to be refused in any country where popular self-government prevails whenever the majority of women themselves make it clear that they desire to vote. Heretofore the greatest obstacle to woman's suffrage has been the indifference of women themselves. To those who advocate the bestowal of the ballot upon women whether they wish it or not this indifference has been particularly irritating, because they feel that such indifference cannot be overcome until women themselves experience the exhilaration of voting. A news item in the London

"Times," however, indicates that even the experience of dropping ballots into a box does not necessarily convert women to the view that it is their duty to bear the burden of the suffrage. According to this item, the Women's National Anti-Suffrage League has made a canvass of women who have the franchise in municipal elections. It has inquired of them whether they were in favor of extending their duties to include political franchise. For this purpose, districts were selected representing a variety of population—typical of London, of large provincial cities, of country towns, and of agricultural villages. Of the total number, 2,520 expressed themselves as being in favor of "votes for women," and 9,845 opposed. The account in the London "Times" does not state the total number of those who were neutral or who failed to answer the inquiries; in North Berks, it reports, however, that out of a municipal electorate of 1,291 women, 1,085 were opposed to the extension of the franchise. In Bristol, out of an electorate of over 7,000, less than 900 were in favor of the suffrage. Almost 2,000, on the other hand, were neutral, over 1,000 did not even reply, and over 3,000 expressed their opposition.

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THE ENGLISH LANGUAGE IN THE PHILIPPINES The London "Times" recently sent one of its trusted correspondents to the Philippines to report on political and social conditions there. The correspondent's impressions are worth noting. So far as Filipino fitness for self-government is concerned, he found a wide belief on the part of the natives—or a pretension of the belief—that they were already quite fit for that government. They regard American administration, he declares, with a certain superciliousness, and think that they could manage things better themselves. Though all the municipal councils are now in native hands, and though there are many native officials in the legislature and judiciary and in the public departments, the scheme of present government is so arranged, says the correspondent, that the natives have the semblance rather than the reality of power. So much for politics. As to social conditions, the fact is emphasized that the natives, born to Spanish ceremonial and Spanish elaborateness of manner, do not like the simplicity and directness of democratic habits. Hence Americans in the Philippines, the writer concludes, do not command as much respect as they deserve. However, as he adds, some of the ground lost by Americans in this regard is now being appreciably regained. In our opinion, this regain is due not so much to the training of the "grown-ups" in politics as to the education of the children in general knowledge. In that domain a chief influence towards social solidarity is found in the increasing use of English. In his recent visit to the Philippines Mr. Dickinson, Secretary of War, told the people that, if they wanted an independent government, in no way could the Americans help them more effectively than by establishing a common language. At present some sixteen different Malay dialects are spoken in the islands. Among the educated, Spanish is spoken; but it is confined to about one-tenth of the entire population. Notwithstanding its long use in the islands, Spanish has never become the medium of general communication. On the other hand, as to English, Secretary Dickinson declares that if the progress now being made is continued, English will be understood by the next generation generally throughout the islands. As an instance of present progress even among the men, Mr. Dickinson notes the case of an audience at Capiz, in the island of Panay, where, though addresses were made in Spanish and English, it was manifest that English speakers were as well understood as were those who spoke in Spanish. Another help towards the progress of the English language in the Philippines should be the requirement of the present law for the use of the English language in the courts after January 1, 1913. Secretary Dickinson believes, as do we, that it would be beneficial to the progress of the islands if the ability to speak the English language should, on a date not long thereafter, be made a condition precedent to the right to hold *any* office under the control of the Governor-General. It goes without saying that a common language affords the only adequate medium for the removal of misunderstandings. A common speech should bring about community of thought.

NATIONALISM AND SPECIAL PRIVILEGE

This is the third of the series of editorials by Mr. Roosevelt on the general subject of "Nationalism and Progress."—THE EDITORS.

In private most of the beneficiaries of special privilege, and not a few other people, freely defend it; advancing the usual argument, that only a limited number of persons are fit to lead humanity, and that these persons should be permitted to accumulate wealth and power without let or hindrance, because this is really to the benefit of everybody—a position, by the way, fundamentally identical with that of the *laissez faire* school of economists who until recently held unchecked sway in so many institutions of learning. In a nation founded on the principle of popular government such a position as this cannot be publicly upheld by public men; and in its extreme form it is rarely openly announced save in a moment of unwariness—when the speaker may state his theory affirmatively by asserting that he is "the vicegerent of God," or else put the same idea in negative form by using some such expression as "the public be damned."

But, although the doctrine is not often nakedly advanced, it has innumerable stout public defenders who veil their plea for special privilege by insistence upon the rights of the States, the sanctity of an unchanged and unchangeable Constitution, the sacredness of the judiciary, and the doctrine of the division of powers—all of which are described as in jeopardy whenever a serious effort is made to curtail such privilege.

We, on the other hand, take the view that our Government is meant to provide equality of opportunity for all men, so far as wise human action can provide it; for the object of government by the people is the welfare of the people. Our National and State Constitutions, our legislative, executive, and judicial systems, our doctrines of law and government, are all instruments to achieve this purpose, means to attain this end. No instrument is in itself sacred; when it has been proved, and its worth tested, it should never be lightly altered, still less thrown aside; but when it is clearly shown to be inadequate for new needs, it is the height of unwisdom to refuse to improve it.

Genuine, as distinguished from merely nominal, equality of opportunity is, of course, impossible if men are allowed to profit by special privilege; and inequality of opportunity, when sufficiently great, means the end of that very development of individuality which is supposed to be the cardinal virtue of the *laissez faire* system. Under modern industrial conditions absence of governmental regulation and control means such swollen development of a few personalities that all other personalities are dwarfed, are stunted and fettered, and their power of initiative, their power of self-help, largely atrophied. Absolute liberty for each individual to do what he wishes in the modern industrial world means for the mass of men much what, a thousand years ago, similar liberty for the strong in a military age meant for the multitude in that day. It is as necessary to possess the power of control over the industrial baronage of the twentieth century as it was to impose such control on the mediæval baronage of the sword; and the movement is one for real as against nominal liberty now just as truly as in the Middle Ages. It is as necessary to shackle cunning in the present as ever it was to shackle physical force in the past.

In other words, the only way to preserve an ample measure of genuine personal liberty for the average man is to increase the sphere of collective action by the Government. The "plain people" of Abraham Lincoln can preserve the rights of each of them only by a fuller exercise of the power of all of them acting together. So far is this kind of collectivism from being necessarily the herald of Socialism, as Socialism is ordinarily defined, that it can more truthfully be described as the preserver and restorer of individualism.

The elimination of special privilege must be accomplished gradually, and many different methods must be adopted for fully achieving the end in view. There is need of action both by the Nation and by the several States, and there is need of action along many different lines. No comprehensive programme for immediately meeting the entire situation could be devised, nor indeed, if it could be devised, would it be well to try so much all at once. But the general principle to keep in mind is that no one man or class of men has a right to enjoy power or wealth or position or immunity which has not been earned by service to his or their fellows. Our steady aim should be to equalize earning and possession so that no man shall possess what he has not earned and no man who has earned anything shall be defrauded of that thing. Only by keeping this in mind can we genuinely equalize opportunity, destroy privilege, and give to the life and citizenship of every individual its highest value both to himself and to the commonwealth. It is necessary with this object in view to regulate the business use of wealth in the public interest, and also to regulate the terms and conditions of labor, which is the chief element of wealth, directly in the interest of the common good. The latter point I shall discuss in another article.

There are special things which can be done at once. Our people are now thoroughly waked up to the need of doing away with the protection which the tariff gives to special interests. As a whole, the American people are, I think, as definitely committed as ever before to the policy of protection, but it is to protection primarily designed to equalize the labor cost here and abroad, and designed especially not to show improper favoritism to any privileged group of wealthy men. Events have shown that the methods hitherto obtaining for generations in tariff-making no longer produce satisfactory results, and that we must have a tariff commission of impartial, disinterested, independent experts, who shall report on each schedule by itself so that action can be taken on the schedule by itself without the inevitable log-rolling and general business disturbance which necessarily accompany any attempt at general tariff revision. There are, of course, many sides to wise tariff legislation which need not here be discussed; perhaps it is not out of place, however, to mention that our tariff policy with Canada can well afford to stand by itself, not only because of our close relationship with the great Dominion to the north of us, but because of the substantial identity of conditions on each side of the line dividing us, so that as regards Canada I should be glad to see the most complete measure of reciprocity to which Canada will consent.

Of course, however, nothing that is done in the way of amending the tariff will clear more than a very small portion of the field of special privilege. Something of importance can be done to prevent the upgrowing of a kind of special privilege peculiarly formidable in the future by securing complete National control of water power, so far as it is now possible to secure it. Not a day should be lost in carrying out this purpose. Running water pays no heed to State lines. Every important river system of our country includes more than one State in its area. The Nation, and the Nation alone, can act with full effect in this matter. Water power will play an enormous part in the future of industrialism. The people should not surrender it in fee to any individual or corporation, but merely rent it for a time on terms amply favorable to the users, but on terms which will safeguard the public; while the fact that the lease is only for a period of years will permit the public to take account of changing conditions.

As regards all railways engaged in inter-State business, the path we are to tread has now been definitely marked out. The Inter-State Commerce Commission must have and must use all the powers necessary to enable it to exercise complete control over such railways—which means, over all the large railway systems; this control to include their physical valuation as well as the issue of stocks and bonds.

All this, however, is attacking only a single class of problems. There are huge inter-State corporations in this country which would be practically unaffected by anything done under the tariff, just as they would be practically unaffected by anything done about water power or about railways. I believe that we must have Government supervision of the capitalization not merely of public service corporations but of all corporations doing an inter-State business. Moreover, as regards these big corporations, every dollar received should represent a dollar's worth of service rendered—not gambling in stocks, but service rendered. There is but one instrumentality which we have hitherto devised that can do much in grappling with these great corporations. This is the Bureau of Corporations. I believe that the great corporations and their agents in political life have been especially anxious to prevent the proper development of the Bureau of Corporations, and to minimize so far as possible its activities. I think that the powers of the Bureau of Corporations should be so extended as to enable it to apply to the gigantic business combinations participating in the commerce between the States the same kind of Federal regulation which is now applied to the railways through the Inter-State Commerce Commission. Mr. William Dudley Foulke has worked out this idea admirably in his recent speech to the National Civic Federation, and has shown that all that is necessary for us to do is to combine and slightly improve upon what has already been done in Canada and Germany in this matter. The trouble with too many of the proposals hitherto made is either that they leave it optional on the part of the combinations to place themselves under Government control, which means that those as to whom such control is most urgently needed would be the very ones who would refuse to submit to it, or else that the law would be applied to all corporations, big or little, whether they are or are not monopolistic in character. This is entirely unnecessary. A big corporation by its mere size develops activities differing in kind as well as in degree from those of small corporations, just as a great city presents governmental problems differing radically even in kind from those presented by a small village.

Where competition is really free, competition is still the best fixer of prices and regulator of conduct; but where competition is in reality stifled, and one great concern gets the power to fix prices of labor and commodities, then the Government should receive the power to exercise administrative control over the concern, and should exercise that power just as freely as if the concern were one of the so-called natural monopolies like a street railway or a water company. I do not believe in a system of law in which the object of Governmental proceeding requires the dissolution of the corporation or the confiscation of its property, which may be ruinous to the public as well as to the corporation. The proceeding should be, in substance, to declare any corporation an injurious monopoly, and when that declaration should be definitely affirmed by the proper body, whatever it might be, to subject the corporation to thoroughgoing Governmental control as to rates, prices, and general conduct. The present penalties for misbehavior—fines, the occasional imprisonment of men (usually subordinates), or the usual ineffectual dissolution of the corporation—are never wholly adequate, and are apt to be entirely inadequate. What is necessary is to permit the Government, when there is definite proof that a given corporation is acting as a monopoly and is behaving in an actually potentially injurious manner, to assume thoroughgoing supervision over it—such supervision and control as that which is, and still more as that which will be, exercised by the Inter-State Commerce Commission over our railways.

The practical questions are (1) how to provide for such an investigation as shall determine whether a given combine is a harmful monopoly, and (2) how to provide the proper course of action where it shall be found that such a monopoly exists. Canada has shown us the answer to the first question, and Germany to the second.

Canada adopted in May of last year a provision for the regulation of trusts. Under this provision any six persons may make application to a judge for an order directing an investigation, the application setting forth the nature of the combine, the persons involved, the manner in which it restricts competition, and the manner in which it operates to the detriment of consumers and producers and is injurious to trade. The judge fixes a time and place for hearing and can direct an investigation, which is carried on by a board chosen under the supervision of the Minister of Labor. Provision is made for depriving the offender, if found guilty, of advantages obtained under the tariff or patent laws, and for punishing him in other ways. But the remedy proposed by Canada is in no way adequate; the value of the lesson she teaches is the clear indication of one method of determining whether a monopoly does actually exist.

Germany, however, in a law enacted last spring, has shown us how to apply the remedy. This law regulates the production of potash, of which Germany has a monopoly of the only known deposits, which are owned and operated by fifty-four companies. These companies were overproducing and depleting the supply. The Act fixed the proportion which each company could produce, and also fixed the labor conditions and the maximum price, and provided a court to reapportion the production every two years. It is stated that similar laws are in preparation in Germany to regulate whisky distillers and manufacturers of electrical machinery, the idea being to prevent overproduction and to limit prices in the interests of the public.

These two Acts taken together indicate one of the ways which we should follow in order to do away with some of the worst effects of special privilege. Canada and Germany are eminently practical Powers, and when they have taken such action it can no longer be sneered at as a matter for merely academic discussion. My experience with Governmental lawsuits has not been such as to make me feel that a lawsuit is normally a wise method of attempting to enforce Governmental regulation. It may well be, however, that even if it were necessary to establish a proper tribunal, a lawsuit after the manner provided for in the Canadian Act would for this particular purpose meet the requirements of the situation. Such a lawsuit would merely, if successful, put in motion the machinery of the Department of Commerce and Labor—that is, the Bureau of Corporations—and the Bureau could then exercise the same control that in Germany has been exercised in the case of the potash producers. Nothing would be more desirable at the present moment than to have the Bureau of Corporations exercise over the oil production of the country, and over the operations of the Sugar Trust, the same thoroughgoing, drastic, and radical control that the Government of Germany is now exercising over the potash production of Germany. As regards both the Standard Oil Trust and the Sugar Trust, Government action already taken and Government investigation already made would warrant our putting them under such Governmental control without further inquiry.

I have not attempted to indicate what the States should do, because each State has its own problems, and there are many of them; but a great step in advance should be taken by the Nation, and it should be taken at once, and it should be taken substantially along the lines above indicated.

THEODORE ROOSEVELT.

THE UNITED STATES SUPREME COURT

A HISTORICAL SKETCH

The familiar saying, "Necessity is the mother of invention," receives a curious historical illustration in the history of the United States Supreme Court. It was invented to meet a necessity; and its most important power was not conferred upon it, but was assumed by it because of necessity.

During the American Revolution vessels were captured and brought into port, and there was no tribunal to pass upon the legal questions arising out of such captures. At first these questions were referred to Washington as General-in-Chief of the military forces of the Colonies. But it was impossible for him to turn aside from his military operations to arbitrate legal controversies. He called on Congress to create a tribunal for that purpose. Congress, fearing to assume authority to which the Colonies might take exception, at first simply recommended the separate Colonies to create courts for this purpose, with an appeal from such courts to Congress. Each such appeal Congress at first referred to a special committee; subsequently it created a permanent standing committee to hear such appeals, and, gaining courage from experience, finally, in 1780, created a Federal court of three judges to serve as an appellate court from the Colonial courts. When, at the close of the Revolution, the Articles of Confederation were adopted, those Articles gave Congress authority to create a Federal court, with power to act not only as an admiralty court but also, on appeal, in all cases arising between the

States. A Federal court was consequently established, and a special commission was also created which settled a long-standing territorial controversy between the States of Pennsylvania and Connecticut.

The way was then prepared for the creation of a Federal judiciary of a more permanent character and with larger powers, when in 1789 the Articles of Confederation were replaced by the Constitution of the United States. The demand for such a tribunal is said to have been quite unanimous, and in compliance with it the following clause was incorporated in the Constitution:

> The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

The provision that the office should be held during good behavior, making it a life office, and that the compensation should not be diminished during the judge's continuance in office, was carefully considered and deliberately inserted, in order to secure the independence of the judiciary. "In a monarchy," said Hamilton, "it [the standard of good behavior] is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws." That is still true; and it would have been well if all the States had recognized that truth and made their judges also independent of nominating conventions and popular elections. Custom has corrected one omission in the Constitution. It did not prohibit a Federal judge from holding at the same time another Federal office. And, in fact, John Jay was simultaneously Chief Justice and Secretary of State, as was John Marshall; and Oliver Ellsworth was simultaneously Associate Justice and Minister to England. In the early history of the Court the cases brought before it were so few that the exercise of such double functions was not impossible. But a continuance of the practice would have given the Court in appearance if not in reality a partisan political bias.

As necessity was the mother of the Supreme Court of the United States, so necessity compelled it to assume what is perhaps its most important power—the power to declare unconstitutional, and therefore void, legislative acts of either a State Legislature or the Federal Congress.

There are no limits to the power of the British Parliament. There is no way of calling its authority in question except the way the American Colonies took when they renounced allegiance to the mother country because they thought the English Parliament had legislated unjustly. Taught by this hard experience, the Colonies refused to give to their legislative body any such unlimited authority. In their Constitutional Convention they carefully enumerated and defined the classes of things which Congress might lawfully do. If it attempts to exercise any powers over the people not thus conferred by them, it is transcending its powers, its acts are unauthorized despotism, and they are null and void—they are not truly laws—obedience is not due to them. So much is clear. But, curiously, the Constitution does not provide any means for determining whether any specific legislative act comes within the power conferred by the people on Congress. In the early history of the country the question who should decide whether any specific act was one which Congress had authority to enact was a matter of hot debate. It was proposed in the Convention to submit all legislation to a Council consisting of the Executive and certain of the judges and give them jointly a veto power; but the proposal was negatived. No power to set aside a law as unconstitutional was in terms given to the courts, although in the debate it was by some speakers assumed that they would possess the power. Probably the omission was due to a fear that the Colonies would not consent to giving the Federal judiciary such power over State legislation. In the State of Rhode Island, before the Federal Constitution was adopted, the State courts refused to enforce a State law because they deemed it unconstitutional. In consequence the judges were impeached, and though the impeachment fell through, they were not re-elected at the expiration of their terms. The doctrine that each State had the right to decide for itself whether an Act of Congress was within the power granted by the people to the Congress, a doctrine popularly known as nullification, was not confined to South Carolina. The States of Virginia and Georgia formally adopted the same principle. It was also affirmed by the Chief Justice of the State of Pennsylvania, who declared that the Constitution provided no common umpire in such cases and that the only remedy was an amendment to the Constitution. John Marshall, as counsel for his client, denied that the courts had any power to pass upon the validity of legislation. "The judicial authority," he said, "can have no right to question the validity of a law, unless such jurisdiction is expressly given by the Constitution." Later, as Chief Justice of the Supreme Court, he reversed this opinion. "If," he said, "two laws conflict with each other, the courts must decide on the operation of each." Similarly, if a law be in opposition to the Constitution, and a case involving both come before the Court, it must either disregard the Constitution and decide the case conformably to the law, or disregard the law and decide the case conformably to the Constitution. "The Court must decide which of these conflicting rules governs the case. This is of the very essence of judicial duty." This reasoning prevailed, and, without any express authority in the Constitution, the courts now unhesitatingly declare any act to be void if it transcends the power given to the legislature by the Constitution. So cautiously, however, has the Supreme Court exercised this power, that it was authoritatively stated in 1904 that up to that time only nineteen Acts of Congress had been declared unconstitutional by the United States Supreme Court.

This brief sketch may suffice to satisfy our readers that the United States Supreme Court has been called into existence by the necessities of our National life, and is not likely ever to be overthrown; that its power to pass on the constitutionality of legislation has arisen out of the same necessity, and has been conferred upon it by a substantially unanimous approval of the people, and is not likely ever to be withdrawn; and that the independence of the Court, carefully safeguarded by the founders of the Constitution in making the judgeship a life office, is to be scrupulously preserved, unmolested by any of the plans of a too-radical democracy to make it an elective office with brief tenure, and so subject to the ebullitions of popular feeling.

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THE PORTRAIT OF A LADY

It seems like an act of sacrilege to draw aside the veil of privacy from the life of a woman whose strength and beauty of nature were among the choicest possessions of her friends, but who would have shrunk from any kind of publicity. Something is due to society, however, in a time when evil deeds and broken vows of many kinds fill the columns of the newspapers with corrupting suggestions, while the stories of fidelity, loyalty, and devotion to high ends are so largely untold. Those who knew Miss Julia A. Eastman, who died recently at her home in Wellesley, Massachusetts, knew the finest type of New England gentlewoman. Born in a parsonage in which religion and culture were the two chief formative influences, the father finding blessed content in his work, his books, and his home, the mother recalled years afterward "as a shadowy presence looking at her from out the dim haze of her childhood, looking with large, sorrowful eyes," for sorrow kept company with joy in the home; bred in the unworldly traditions of that sensitive purity which instilled sweetness of nature, delicacy of feeling, and exquisite refinement of manner, Miss Eastman grew into a girlhood full of high spirits, overflowing with the joy of life, and inspired with an unquenchable idealism of temper and purpose.

She was a happy example of that combination of fidelity to near, familiar, and homely things and to the highest interests of mind and spirit which gave many old New England families a touch of distinction. She loved fun, Latin, and cooking, and became expert in these fields of youthful endeavor. She had a quick eye as well as the poetic sense, and from childhood was on terms of intimacy with nature. The last time the writer of these words saw her she was walking in the New Forest, and full of joy in her freedom of access to that ancient woodland.

The young girl, trained in heart, will, and imagination, as well as in sound mental habits, turned instinctively to teaching, and that difficult work became both vocation and avocation. It was not a profession; it was her life. She not only gave herself to it; she gave herself through it. In 1881, the opening of Dana Hall, at Wellesley, afforded her the great opportunity of expressing in order, discipline, and method her finely toned and finely trained nature. The responsibility was great, and Miss Eastman and her sister shrank from it; but it was not in them to evade duty or to miss opportunity. Under the inspiration of their common purpose and the direction of their rare judgment, Dana Hall soon became a school of notable individuality and of a rare and beautiful quality of simplicity, integrity, and refinement. It was a combination of modern teaching methods with the old-fashioned dignity and charm of manner of Cranford. The most searching and penetrating educational influence in the school came, not from text-books and class-rooms, but from personalities in whom free, gracious, and cultivated womanhood was unconsciously before the eyes of students in the intimacy of daily life. The indefinable quality of the highly bred woman was never more pervasive or more persuasive than in Dana Hall.

Miss Eastman's vital interest in girls, her deep sympathy with them, and her vivid recollections of her own childhood bore fruit in several stories of girl life, full of the love of fun, of nature, of beautiful things in spirit and character. She had a very happy gift of verse-writing, which a more ambitious woman would have turned to large account. From her childhood she had been deft with her pen, and not many months before her death she expressed the hope that writing is possible in heaven, and comforted herself with the fact that St. John heard a voice saying to him, "Write." But it was not what she said or wrote or accomplished that will longest be remembered; her personality will become one of those traditions which enrich and sweeten the life of the world. To a great company of friends her erect, slender, alert figure, a brightness of manner delightfully expressive of her tireless energy, a fine poise and dignity of bearing, as of a spirit superior to the vicissitudes of life, an unobtrusive but irrepressible serenity and hopefulness, rising from a vivid consciousness of the unbroken life of the spirit here and hereafter, will keep the memory of this high-minded and noble woman among those possessions which are beyond the reach of time and change.

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JAPANESE IMMIGRATION

The people of the Pacific Coast are absolutely right in their conviction that the Japanese cannot be admitted *en masse;* that Japanese immigration of small merchants or men who wish to take up the land cannot be allowed. This is the attitude that Japan, in different ways, herself takes. Americans and all other foreigners have been steadily pressed out of those employments in Japan in which they were used to teach the Japanese things that thirty or forty years ago they did not know. In each case, as soon as the men who were teaching the new business to the Japanese had taught a sufficient number of scholars sufficiently well, their services were dispensed with. And this was greatly to the credit of the Japanese, and was one of the indications that they stood on a totally different plane from other Oriental nations. Japanese do not allow foreigners to hold land in Japan save under such restrictions as to make it practically impossible to do so; and no one for a moment supposes that the Japanese would permit any immigration of workingmen from American or European countries *en masse* if they competed with Japanese workmen. The Japanese exclude the Chinese quite as rigidly as does any Occidental race, and in a more obnoxious manner.

The United States cannot admit for a moment that any other nation may dictate to it who shall be admitted within its borders or who shall become citizens. That is a matter for the United States itself to settle; and whether it admits or excludes people of any nationality is to be determined by the Nation itself; the Nation, of course, taking into account, not only its right to take such action, but how that action will strike outsiders. It should always be taken in a way to maintain amicable relations with the other nations if possible.

To keep out the Japanese does not in any way imply that Americans look down upon the Japanese. It simply implies, in the first place, that the two peoples are different. In other words, it is a willingness to face facts. In the present state of development of the two peoples the Japanese and Americans do not mingle. There is a strong feeling among both peoples against intermarriage and such social mingling as leads toward intermarriage. Whether this feeling will be permanent need not concern us in the least. Two or three centuries ago all the nations looked upon one another with the bitterest suspicion and repulsion, even when they were closely allied in blood and culture. Then the Scotchman was an abhorred foreigner in England, and was lucky if he was not pummeled in the streets. The Flemings and the French Huguenots who went to England, although identical in religion with the English, and although in what to our eyes seems precisely the same stage of civilization, were so bitterly disliked that again and again mob violence on an extended scale resulted from their presence, and the Government was alternately obliged to take strong measures to protect them and to take other measures to discriminate against them in response to the feeling of the English people. In the case of the French Huguenots in England, this occurred as late as two centuries ago. At that time Russian immigration to England was far more bitterly resented than is Japanese immigration to the United States at present, while Jews were permitted to live in England only surreptitiously and in violation of the law.

We have now advanced so that this feeling has largely broken down as among kindred nations. But it is not to be expected that in a generation or two we can bring about catholic understanding between races from whom we have been separated by blood and culture for ages, when it takes centuries for the peoples of Europe, practically identical in blood and culture, to find a footing on which members of one nation can live peaceably with members of a different nation. Small landowners, the artisans, and the laborers are generally the last to lay aside race and national prejudice. The French, English, Dutch, and Germans of high social standing lived on intimate terms and intermarried with one another at a period when among the lower classes the presence of members of the alien nationality instantly tended to raise a mob. The educated Japanese and educated Americans mingle each with the other on terms of absolute equality and with absolute friendship at the present day. There is no difficulty in greeting a delegation from a commercial club, for instance, who come over here from Japan and are entertained by Chambers of Commerce throughout the country, any more than if they came from England, France, or Germany. Scholars from Japan come here and are welcomed exactly as American scholars are welcomed in Germany. But in the interest alike of Japan and America it is eminently desirable, and indeed indispensable, that there shall be no immigration *en masse*; that there shall be no attempt on the part of Japanese cultivators to own land here; that no Japanese workmen or small merchants shall come to ply their trades here. California is right in not wishing to see Japanese cultivators own land, because she must protect her own citizenship, and the Japanese, as shown in Hawaii, have no inclination to become American citizens; and she is right in wishing to see that Japanese laborers are kept out, as any laborers should be kept out who have such a strong feeling of solidarity that they do not become Americanized, and who, moreover, have a standard of living that leads them, at least temporarily, to cut under the American scale of wages.

But these steps should be taken in such a way as to make it evident that there is no feeling but respect, and indeed admiration, for the wonderful Japanese people. Not long ago it was reported in the papers that on the occasion of the visit of the Japanese Training Squadron the people of Pasadena behaved in such a way as to make it impossible to give a ball to the officers of the Japanese squadron. If this statement is true, we regret it; not so much for the sake of the Japanese, as because we regret that any Americans should act in a way to give the impression to outsiders that they lack breeding and courtesy. This is especially the case when they are dealing with the most polite people in the world, a people who in point of good breeding stand on a level with the most cultivated nations of Europe. No society with any self-confidence, or with any knowledge of the great world, would fail to treat the Japanese officers precisely as it would treat the officers of any European Power. Any one acquainted with the usages of good society the world over, with the usages in the most exclusive courts, or of any society a portion of which is made up of members of a diplomatic body, knows that in any such society Japanese, Americans, and Europeans are treated with exact equality. This is equally true in all the best institutions of learning in America and in similar institutions of learning in Europe.

Again, it is highly necessary that the object aimed at by the Californians—which object is in itself right—should not be sought to be achieved in ways that are wrong. To illustrate: A few years ago the California Legislature sought to manifest its desire for the exclusion of Japanese laborers by passing a law saying that Japanese children, as well as children with infectious and loathsome diseases, should be put in separate schools. This, of course, was powerless to attain the object sought—that is, the exclusion of Japanese laborers—and it was clearly needless so far as the well-being of the pupils was concerned; and the method of framing the proposed legislation was so grossly improper as seriously to impair the efforts of those who were trying to achieve the desired exclusion of Japanese immigration by treaty with Japan.

Under the present arrangement the Japanese laborers are being kept out. If in the future the present amicable arrangement with Japan proves inadequate, a law will have to be passed to keep them out; but if they can be kept out without such a law, it is, of course, a great deal better. In fact, at present both the Chinese and the Japanese population in America are decreasing—the former decidedly, the latter in less degree, but still satisfactorily. Mr. C. H. Rowell, whom we quoted two weeks ago in the Fresno "Republican," represents ably and in an entirely dignified and courteous manner the Pacific Coast opposition to Oriental immigration. He is our authority for this statement. "The Chinese problem," he says, "is approaching its end, unless we reopen it. The Japanese problem is only beginning, and the end is not wholly within our control. For the present there are no more Japanese in the country than we can safely utilize, and the number, under the restrictive policy of Japan, appears to be decreasing. This is excellent so long as it lasts. But it can last in peace and amity only so long as Japan wills."

That statement was published in September, 1909. It is confirmed officially by the report of the Immigration Commission in 1910. "In later years Japanese immigration assumed considerable proportions, but through a provision of the immigration law of 1907 and by agreement with the Government of Japan this movement has been checked, and during the past two years the number of Japanese leaving the country has exceeded the number admitted." It is evident that such exclusion of Orientals by the action of Oriental Governments is far better than exclusion by drastic legislation on this side of the water. It is better because it is more efficacious; it is better because it regards the entirely proper and self-respecting national pride of the Oriental nations, makes for amicable relations between themselves and ourselves, and promotes the peace of the world.

We sum up here The Outlook's positions on the immigration problem as stated and illustrated in the series of editorials of which this is the last.

The American people have an absolute right to determine whom they will admit to their country. In so doing their object should be to secure, not cheap labor, but good American citizens. It is sometimes said that the same tests should be applied to Oriental as to European immigration. But this is not true. The Orientals will not make Americans; therefore Oriental immigration should be restricted. Some

European immigrants will make good American citizens; therefore European immigrants should be carefully selected. European immigration should be restricted to those who will add to the value of our citizenship. This can be done in two ways: by excluding more carefully those who are undesirable; by choosing those who will be desirable. For both purposes agencies should be established abroad by our Government, as is done by other Governments. And this should be done by the co-operative action of the Federal Government and those of our States that, for economic reasons, need a larger population.

THE SPECTATOR

The Spectator found Holland particularly interesting. All Americans who have been fortunate enough to see the land where Queen Wilhelmina's thrifty people dwell are happy in their memories of the picturesque landscape with its windmills, its many canals, ranging in size from mere baby ditches to the important grandfatherly canals, that intersect the green flatness where thousands of sleek black and white cattle graze and ruminate on the gorgeous cheeses that are to be. We remember with pleasure The Hague, that Spotless Town where dwell the sweet-faced Queen and the much-loved little princess; we know Amsterdam, big and prosperous, with its fascinating adjacent villages along the Zuyder Zee; we put a double star beside the name of Rotterdam—it is such a unique mixture of the modern and the picturesque. The residents of Rotterdam point with great pride to their one sky-scraper (the loftiest building in all Holland), which boasts of eleven stories! The great harbor frontage, called euphoniously "the Boompjes," has all the modern improvements, but is kept picturesque by the brown-sailed fishing-boats which jostle the ocean liners; there are avenues of finely built shops and houses, but every second street has a canal, and every canal its quota of slow-moving, gayly painted boats, while down the vista of every street a flapping windmill tells you that it is indeed Holland.

The Spectator was taken to visit a Rotterdam school, the head master of which spoke English. Accompanied by a young American school-teacher, he left his hotel in the morning lively with curiosity; Holland is so progressive in many respects, so picturesquely primitive in others, that he wondered on which ground this school would stand. He passed the statue of Erasmus in its shady square, and, remembering then the fame of the Dutch universities, it gave him that "young feeling" which Americans can't get over experiencing in Europe. Finally, "In this block is the school," said our guide. "I see no school-house," said the Spectator's friend, "although I was certain I should know one in any language or any land." "Do you think that it would be near the street?" inquired Herr van Dam, reprovingly. "No, no, that would be too noisy." The Spectator thought of certain schools at home past whose windows the cars and city traffic clamor incessantly. We went from the quiet street into the heart of the block, and there, with a graveled playground on one side and pleasant flower gardens on the other, stood a brick school-house that might have wandered in from any American town, so familiar was its form. The Spectator sighed—this wasn't foreign a bit—but when he entered the hall his spirits arose, for in long exact lines flanking each wall were rows of wooden shoes; wee, cunning ones told that the primary was near by, while the big, bigger, biggest ones were outward signs of grades evidently near at hand.

We were introduced to the head master, Herr van Beest, a most courteous gentleman who spoke excellent English and who seemed delighted to have foreign visitors. We were taken to each room, the school being graded much like our typical elementary school. The rooms were about the size of the average school-rooms at home; the desks had a familiar look—indeed, after the radically different English school-room these seemed most "homelike." But the Spectator never saw an American school-room quite so clean—the windows shone like crystal, the walls were tiled with white, the floors were snowy, the children immaculate; cheerful red geraniums in every window made grateful splashes of color. Upon each desk the

Spectator noticed an eighteen-inch square of stiff paper, a delicate gray in color. What *is* the use of the paper upon the desk?" his curiosity prompted him to ask. "Ah, that is to keep the desk clean. I'm sorry to say that by the middle of the year it gets a little soiled; then we turn it over for the rest of the time." Imagine an American child keeping a delicate blotter pad on his desk a whole year!

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The Dutch children were not pretty; they were too substantial and stolid for that; but they had bright, earnest little faces, and were so shiningly, radiantly clean that the Spectator confided to his friend that they looked as if they had been sterilized. The friend replied that possibly each one had fallen in a canal on his way to school. The day before we had seen a youngster fall into one; his playmates formed a "human ladder" over the side of that canal and pulled him out in less time than it takes to tell it; then all went on with their play with the utmost unconcern.

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The teachers were very intelligent, interesting young men and women. Several spoke English fluently, all spoke German or French. The school had a very good "atmosphere"—if the Spectator may use that overworked term—the discipline was exceptional, and there seemed to exist a spirit of tranquil *camaraderie* between pupils and teachers; one missed the tense, nervous strain, a characteristic feature of so many American school-rooms where teachers and pupils are galloping through an overcrowded course of study. The work in penmanship, drawing, and geography was excellent, but we lamented the fact that we couldn't understand the reading lesson. The Spectator openly rejoiced that Fate had not called upon him to teach Dutch spelling. The day before we had gone out on the Zuyder Zee on the trim yacht Zaandamsche Stoomvaartmaalschappy, passing on the way the gallant Veynootschap Blaandenvimschappy No. 10. "Fancy dealing professionally with words like those!" the Spectator's friend exclaimed.

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In the primary room the Spectator marveled at the writing and reading of children who had been in school but three months. He heard several classes sing, but, although the energy and spirit displayed were admirable, music was a minus quantity. Herr van Beest showed the visitors about his really excellently organized school with great pride, taking them even into the general storeroom. Here the Spectator felt that the climax of Dutch cleanliness was reached when he saw rows of atlas globes carefully swathed in cloth wrappers.

THE FORESTS

BY LEE WILSON DODD

I must forget the forests, the forests where I lay
A-dream in midmost wonderland. . . . Alas, I could not stay
Within their sacred alleys secluded from the day,
Secluded from the vivid press of duty and the day!
And now my eyes are sick with light, and they are far away—
My somber, soothing forest aisles—forever and for aye.

Stately were the forest trees, thick and straight stood they,
Thatching out with subtle leaves each perplexing ray,
And all below was sober-cool, green and tranquil gray,
As curled among their twisted roots snugly once I lay
A-dream in midmost wonderland. . . . Woe's me, I long to pray:
"God give me back my forest glooms, I will not pine for day;
I'll not regret life's aching stress of duty and the day!"
Must I forget the forests? Are they so far away?

The Supreme Court Justices

By Elbert F. Baldwin

DESPITE its harmonious and impressive architecture, the historic meeting-place of the Supreme Court of the United States seems, somehow, like a parlor. This is largely because the light is subdued, like that of a parlor; it is not the more garish light we generally see in a court. On three sides of this court-room there are no windows, and on the only side where they could be placed the long windows are hidden behind the pillared marble and mahogany screen in front of which the Judges sit. To be sure, there are three smaller windows high up, but of them the middle one has its blinds tightly drawn. Having thus shut out the light from the side, the Government lets some in at the top by means of an inefficient ground-glass skylight. Unsuccessful in getting enough daylight, the Government has fringed the skylight with rows of electric jets. The result of the mixture of natural and artificial light is enough, I should think, subtly to affect the strongest mentality. I wonder that the Judges have endured it as long as they have.

But that is not all. The heating and ventilation are also imperfect. You can be cold in one part of the room and hot in another, and the air in any part has only remote relationship to the fresh breeze which you may have been enjoying if you have walked up Capitol Hill to this Mecca of jurists and judges. Nevertheless, the ventilation is better here than in most parts of the Capitol.

The Supreme Court convenes daily at noon, adjourns for lunch from two to two-thirty, and at half-past four adjourns for the day. At noon the clerk cries, "The Honorable, the Supreme Court of the United States." Every one rises, and the Judges in their black gowns file in. When the Judges have taken their places behind the bench, the clerk calls: "Oyez, oyez, oyez! All persons having business with the Supreme Court of the United States draw near and give their attention, for the Court is now sitting. God save the United States and this honorable Court!"

For the first time in nearly two years there are no vacancies. The Chief Justice enters first, and he is the most impressive-looking of the company. Edward Douglass White, of Louisiana, is sixty-five years old. In physical appearance no man in public life, not even President Taft, better deserves the adjective "ponderous." But listen to Mr. White as, later, he speaks to Attorney-General Wickersham (who is summing up the Government's side in the Tobacco Case), and you will see that the Chief Justice's voice is like velvet. Its quality is emphasized, as he bends forward to speak to the counsel below, by an expressive gesture of the hand raised slightly with the first two fingers together. Somehow this gesture suggests to your imagination the man's fairness. Mr. White is a Democrat, a Southerner, an ex-Confederate, and a Roman Catholic. After the war he practiced law in Louisiana, then he was elected State Senator, and afterwards was appointed Associate Justice of the Louisiana Supreme Court. Twenty years ago he was elected United States Senator, in 1894 he was appointed Associate Justice of the Federal Supreme Court, and has just been appointed Chief Justice to succeed Chief Justice Fuller. This action breaks a precedent. No Associate Justice had ever before been elevated to the Chief Justiceship. The reason for this has doubtless been the desire to emphasize the post of Associate Justice as a finality, and to give to its occupant the feeling that no higher office can be conferred upon him, thus freeing him from any imaginary temptation to conform his decisions to supposed White House wishes in order to stand well in line for succession—that is, supposing the Associate Justice to be a combination of weakness and ambition.

But this is not the only precedent broken by Mr. Taft in elevating Justice

White. For the first time a Chief Justice of a political faith opposite to that of the Administration has been appointed. An admirable emphasis has thus been given to the principle that an independent judiciary must be above politics or partisanship. And the emphasis is further strengthened by the fact that two of the Associate Justices appointed by President Taft are also Democrats.

The qualifications for office of the new Chief Justice are high. His distinction as lawyer, judge, statesman, *and man* is pre-eminent and indisputable. Hence the Senate acted immediately on his nomination, quite as much because of its confidence in him as a candidate for the highest judicial position as because he was at one time a member of that body. When his name was presented to the Senate by the President, it made an exception of its rule to refer the names of appointees to committee. It immediately went into executive session, and in fifteen minutes had taken favorable and unanimous action. Such a compliment would have silenced the critics of the nomination, had there been any, of a man whose name, as a synonym of intellectual integrity and impartiality, may rank with the first dozen names of members of the Supreme Court since its creation. In addition to sheer legal caliber, the Chief Justice is perhaps the only man on the Federal bench who can argue a case in French. Moreover, he has had an extensive experience in the practice of the Code Napoléon, on which the civil law of his native State of Louisiana is founded. Justice White's decisions indicate the breadth, unpartisanship, humanness, and elasticity of a mind fitted to lead the deliberations of a continuous Constitutional Convention—for that to a certain degree is what the Supreme Court has become, despite its generally necessary affirmation of the principle of *stare decisis*—in its application and adaptation of the Constitution to the changes due to new conditions. Hence the elevation of such a man does not indicate that the leadership of the Supreme Court will be mechanical or "fossilized." Indeed, we may expect the influence of the new Chief Justice on the Court to be exactly in line with John Marshall's—a vital influence. As President Garfield once said, "Marshall found the Constitution a skeleton and left it a thing of flesh and blood;" to which Mr. Butler, the Reporter of the Supreme Court, adds, "and breathed into it the breath of life."

All this time the Judges have been filing in, and the name of John Marshall comes again to mind as one looks upon the tall figure of John Marshall Harlan, of Kentucky. That poor light and air are not always fatal to health is proven by this well-preserved man, seventy-seven years old. Of the sixty-two men who have sat on this bench, he has been the associate of twenty-six. His service has been not only twice as long as that of any other member of the present Court, his term of over thirty-three years has never been exceeded save by Marshall, Story, and Field. Though oldest in years, Justice Harlan seems the keenest of the Judges to grasp a possible humor in any situation, as was shown a few days ago during the progress of the Tobacco Case in his criticisms of the chewing-tobacco market. Judge Harlan's academic and law studies were undertaken at those comparatively little-known institutions Center College and Transylvania University. He began practicing law at Frankfort, the capital of the State. As far back as 1858 he was elected County Judge, and the following year was Whig candidate for Congress. When the war came, as a Unionist he raised an infantry regiment and served in General Thomas's division. After the war Mr. Harlan practiced law in Louisville, and in 1877 was appointed Associate Justice by President Hayes. As usual, a Republican appointed a Republican.

Enter, after Judge Harlan, Mr. Justice McKenna, of California, also a Republican. Joseph McKenna is sixty-seven years old, and was appointed in 1898 by President McKinley. In appearance he somewhat resembles Senator Cullom, of Illinois, albeit more red-blooded. Chin whiskers and spare figure make both look like the typical Brother Jonathan. Judge McKenna has had long service in judicial and legislative life. He has been in the California Legislature and in no less than four Congresses. President Harrison made him a Circuit Judge, and President McKinley made him Attorney-General and later Associate Justice. The Chief Justice and Mr. Justice McKenna are the only Roman Catholics on the bench.

Enter the next in order of appointment, Mr. Justice Holmes, a Republican, of Massachusetts. He was appointed in 1902 by President Roosevelt. The Holmes face is winsome, whether that of the Autocrat of the Breakfast Table or that of his son, the present Associate Justice. The Holmes mind is notable too, whether that of father or son. "Justice Holmes can wear any one out, such is his mental pace when he gets going," said a critic to me to-day. Certain it is that his mind is one of the most remarkable on the bench, a fact specially appreciated by the Chief Justice, between whom and Justice Holmes a strong friendship exists. It is a case of "extremes meet," one man being from the far South and with a somewhat Southern temperament, while the other man is a typical Yankee from the far North. Indeed, Justice Holmes is a capital example of Massachusetts culture and patriotism. He is a Harvard man of the class of 1861. The same year he was commissioned first lieutenant of the Twentieth Massachusetts Volunteer Infantry. At Ball's Bluff he was shot through the breast, and at Antietam shot through the neck. He rose through the army grades, and when the conflict between North and South was over went through the Harvard Law School, his course having been interrupted by the war. After years of law practice in Boston he was made a member of the Massachusetts Supreme Court, and finally Chief Justice of that Court. Despite his gray hair and mustache, his still youthful countenance (like his father's at the same age) and his alert manner give little evidence of his age—sixty-nine years.

Enter the next Judge in order of appointment, William Rufus Day, of Ohio, appointed in 1903 by President Roosevelt. Justice Day seems all brain—a brain which was applied with historic result when he was chairman of the Commission which negotiated the treaty of peace with Spain. Judge Day is sixty-one years old, and comes from Canton, Ohio, President McKinley's home. He was a great friend of McKinley, who made him his Assistant Secretary of State, later Secretary of State, and still later appointed him Circuit Judge.

Enter the next Judge in order of appointment, and now we jump from 1903 to 1909. The Judge is Horace Harmon Lurton, of Tennessee, a Democrat, appointed by President Taft to succeed Justice Peckham. Judge Lurton is sixty-six years old. Despite his years, he seems as pertinacious in asking questions of counsel from the bench as if he were a very young man, and his nasal Yankee voice has in it little of the soft Southern twang one might expect. He was educated at Cumberland University, began practicing at Clarksville, Tennessee, and rose through the judicial grades to be Chief Justice of his State. President Cleveland appointed him Circuit Judge, and, as we have seen in the case of the Chief Justice, the fact that a man was a Democrat proved no bar to his judicial preferment when President Taft became convinced that, beyond any other, this man was fitted for the place. As one looks at Mr. Justice Lurton and his next-door neighbor but one, Mr. Justice Harlan, the story comes to mind of how these two men were once mortal enemies. It was half a century ago. Harlan and Lurton were on opposite sides in the Civil War. Harlan was Colonel of the Tenth Kentucky Infantry (Unionist) and Lurton was a private in the Third Kentucky Cavalry (Confederate). At Cumberland River Colonel Harlan tried to train a cannon ball on Lurton and company, but the Confederates won. At Buffington's Island, however, Trooper Lurton was taken prisoner and transferred to Johnson's Island in Lake Erie, "the best prison in the North," he says. The echoes of the Civil War are getting fainter, but the bringing together of two such men on the same bench revives a memory.

Enter the next Judge in order of appointment, Charles Evans Hughes, of New York, a Republican, appointed last summer by President Taft to succeed Justice Brewer. Mr. Hughes is forty-eight years old. He is the only Judge who wears a full beard, and this, together with a very virile manner and voice, distinguishes him somewhat from most men. They used to say of one of the Cardinals that underneath his vestments he would sometimes "kick out," as he used to during his years as a soldier. One has a little of that feeling as one regards the vigorous prosecutor of the insurance companies and the Progressive Governor of New York, now in judicial robes and judicial dignity. This has been emphasized within the past few days by Mr. Justice Hughes's opinion in the Alonzo Bailey case, an opinion likely to become historic. In any event, it brilliantly marks the entrance of a man who had shown himself a great administrator into a new field of activity, where he will doubtless show himself a great judge.

Enter the next Judge in order of appointment, Willis Van Devanter, of Wyoming, a Republican, appointed last autumn by President Taft to succeed Justice Moody. Mr. Van Devanter is fifty-one years old, and is a very human-looking document indeed. He was born in Indiana, and was educated at De Pauw University and at the Cincinnati Law School. After some years of practice in Indiana he removed to Cheyenne, Wyoming. He rose through various grades to be Chief Justice of the Supreme Court of his State. Six years ago President Roosevelt appointed him Circuit Judge. His present appointment is particularly interesting in view of the Standard Oil Case, because in the Circuit Court he had already had part in that case. The question arose whether he could take part in it on the Supreme Bench. This, however, would not differ in its essential nature from what occurred in the Nebraska Maximum Freight Rate Case, when Justice Brewer, of the Supreme Court, sat as Circuit Judge; his opinion declaring the Nebraska law unconstitutional was afterward sustained by the Supreme Court in a decision in which he shared.

Enter the next and final Judge in order of appointment, Joseph Rucker Lamar, a Democrat, but, despite that, appointed by a Republican President to succeed to the place left vacant by the promotion of Justice White. Mr. Justice Lamar is fifty-three years old. Of all the Judges, he seems the best worth looking at. Like the other Southern judges, Chief Justice White and especially Mr. Justice Lurton, so the latest addition to the Bench interrupts counsel once in a while. Mr. Justice Lamar's voice is singularly resonant, full-toned, and bell-like in quality. He was born in Georgia and educated at the University of Georgia. He practiced law at Augusta, and for a short time was a member of the State Legislature. To his new position he brings a distinguished record of service on the Supreme Court of Georgia.

In connection with the mention of questions put by members of the Supreme Bench to counsel, it may be stated that such colloquy is of far more frequent occurrence than is generally supposed. While it has been particularly reported in the Tobacco and Standard Oil Cases, the Court's policy has been to establish as direct discourse as possible between Bench and Bar. The new Court, however, is apparently emphasizing colloquy more than before; indeed, the conduct of the Tobacco and Standard Oil Cases, as I heard them, often seemed more like a confidential conversation than like the dry presentation of technical points. Certainly, to a layman, the colloquy part of the proceedings was its most interesting feature. It explained and made human certain points which would not have been so explained save by the very direct and almost personal discourse between the Justices and the lawyers employed in the two cases.

As each Judge is appointed, he takes his seat to the extreme right or to the extreme left. In the case of Justices Van Devanter and Lamar, who were appointed together, as Mr. Van Devanter's name came first, he took a seat at the extreme right, where, of course, he found himself next to Mr. Justice Lurton; while Judge Lamar took his seat on the extreme left, where, of course, he found himself next to Mr. Justice Hughes. Thus, though Mr. Hughes has been sitting on the Supreme Bench only two months, he now seems like an old appointee.

The assured tenure of office and the Supreme Court's authority in determining what is law, both greater than in England, have always attracted eminent men to accept membership in the Court. Yet it is, nevertheless, evidence of American patriotism when men of the caliber of our Supreme Court Justices are willing to abandon active work as advocates—work bringing them many times the financial returns they now receive—and take their places on the Federal Bench. Of course one may say that no greater honor can come to a man than to sit on that Bench, and this is true. At the same time it is a pity that our Government should evince so little appreciation of the financial sacrifice involved as to pay the Chief Justice of the United States $13,000 a year, less than is received by a Justice of the Supreme Court of New York City, while the head of the British Bench receives no less than fifty thousand dollars. The Moon Bill, now pending in the House of Representatives, does, it is true, provide for a more adequate recompense, raising the Chief Justice's salary from $13,000 to $18,000, and the Associate Justices' from $12,500 to $17,500. Even so, this, it will be admitted, is low compensation for men competent to meet the responsibilities of the Supreme Bench.

Moreover, our Government is not making the Judges comfortable enough. Quite aside from the light and air of the main chamber, the anterooms of the Supreme Court are ridiculously few in number and small in size. Some day, of course, it is the intention to have a properly equipped Supreme Court building north of the Capitol, a pendant to the Library of Congress. Meanwhile something might be done in the old Capitol building itself. The members of the Court ought certainly to be given private offices. As things are now, visiting attorneys who seek writs have to call upon the Judges at their private residences.

The new blood on the Supreme Bench is welcome. Never since Washington's day has there been so much at any one time. Within a year President Taft has commissioned five men to sit upon the Bench—that is, if we count the elevation of Mr. Justice White to the Chief Justiceship. Presidents Jackson, Lincoln, and Grant each named five members to the Supreme Court, it is true, but they were distributed throughout an entire term.

The new members should help to expedite the seven hundred-odd cases on the docket, the largest number in the history of the Court since the passage of the Circuit Court of Appeals Act in 1891—certainly a hundred more cases than were docketed during the corresponding term a year ago. The method of disposing of these cases is in this wise: Each week each Justice receives from the Chief Justice a statement of the names of the case in which the Justice may write an opinion. Then comes a conference of all the Judges, of course behind closed doors. Cases are taken up or postponed according to the wishes of the Justices. If the Chief Justice assigns to any particular Justice the writing of the Court's opinion, that opinion when written must be agreeable to the other Judges. If it is not, then the dissatisfied Justice writes a dissenting opinion. The other dissatisfied Justices generally concur in the dissenting opinion—that is to say, in its final form, after it has been revised to suit particular criticisms. But cases have been known where minority differences could not be reconciled and where no less than four Justices have had each to write a dissenting opinion.

The second reason why the new blood on the Supreme Bench is welcome is because of the fact that the cases now mostly before the Court involve different principles and conditions from those which the Court had to decide when Justice Harlan, for instance, first came to Washington. The change in personnel will, it is to be hoped, specially expedite the final judgment on what the Sherman Anti-Trust Law is or is not—that is to say, what is monopoly—for this law, in its operation, has caused much of the late litigation; indeed, in this respect the new Supreme Court should both simplify procedure and expedite judgment, thus making court litigation less costly and less tedious. For the main question to-day is the regulation by law of corporate activity in its relations to the country at large. The Supreme Court has entered upon a new phase of judicature, and there is, appropriately, to meet it a new Supreme Court personnel.

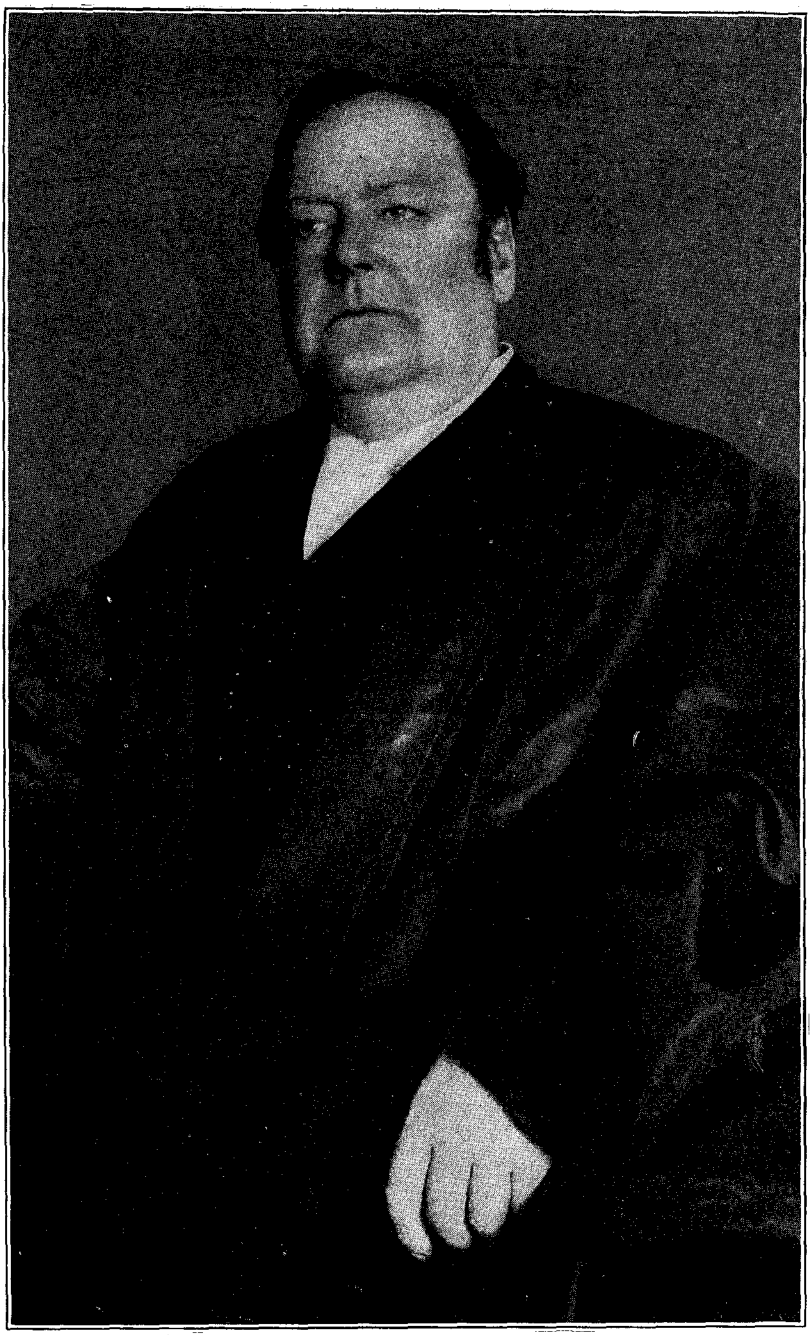
THE SUPREME COURT
OF
THE UNITED STATES

MCMXI

* * *

CHIEF JUSTICE
EDWARD DOUGLASS WHITE

ASSOCIATE JUSTICES
JOHN MARSHALL HARLAN
JOSEPH McKENNA
OLIVER WENDELL HOLMES
WILLIAM RUFUS DAY
HORACE HARMON LURTON
CHARLES EVANS HUGHES
JOSEPH RUCKER LAMAR
WILLIS VAN DEVANTER



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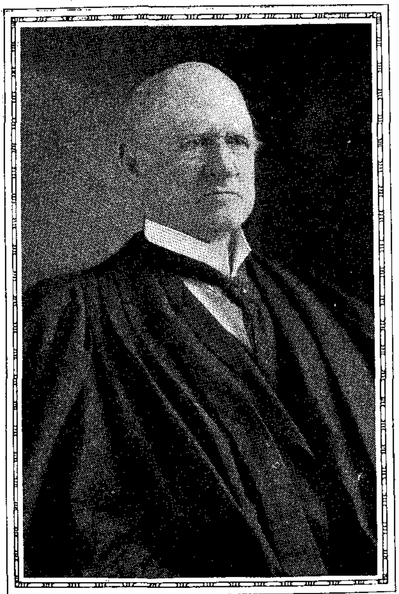
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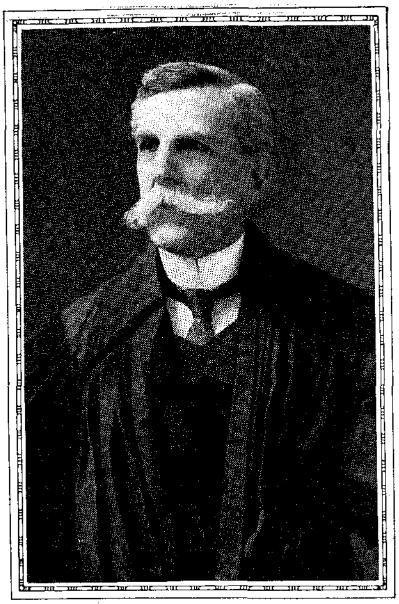
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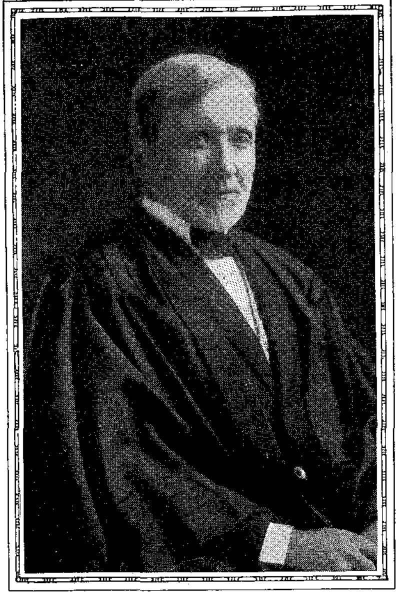
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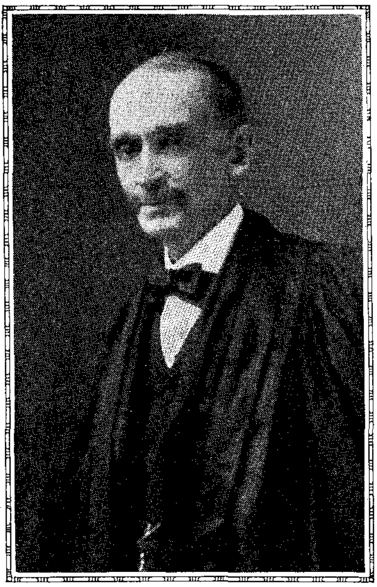
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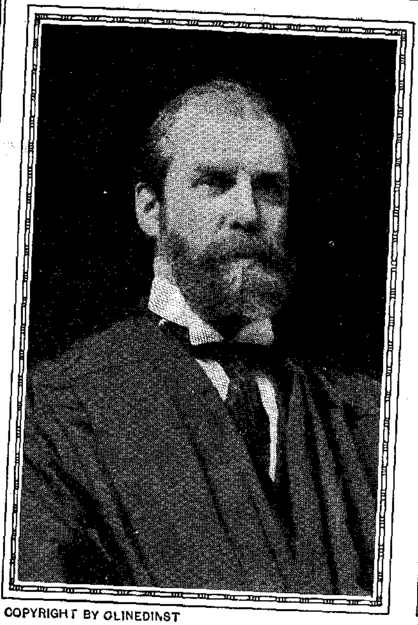

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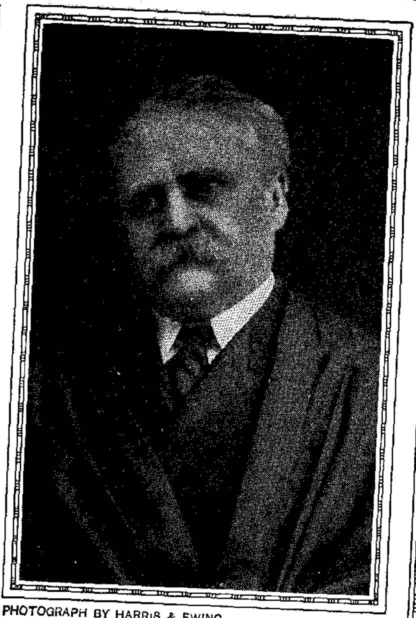

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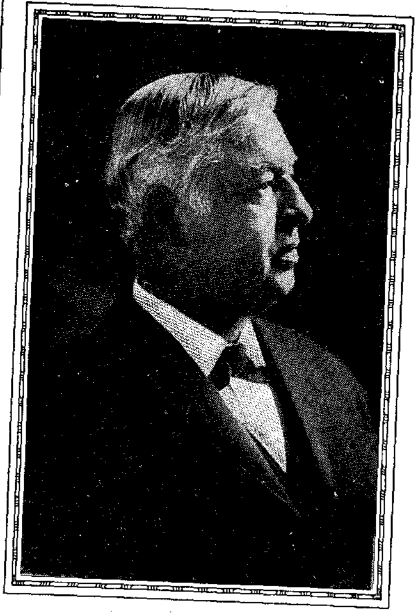

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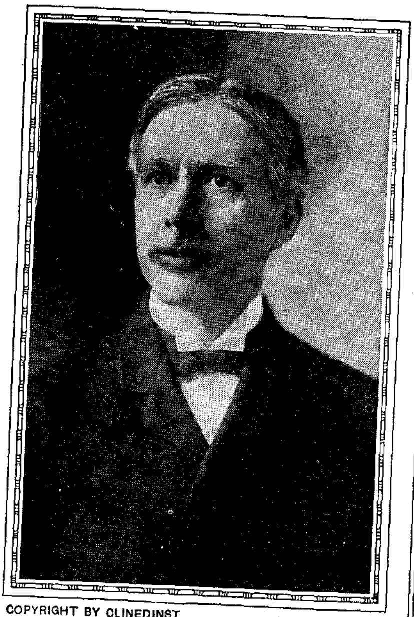

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WILLIS VAN DEVANTER

WHERE IRRIGATION IS FOLLOWED

Our Two New States

By Charles Moreau Harger

TYPICALLY American is State pride. In commonwealths with century-old records of accomplishment its expression is born of inherited admiration; in communities on the threshold of things it tells of hope and courage.

Yet when a dweller in mid-Arizona declares, "It's the finest State in the Union—I wouldn't live anywhere else;" when a group of jubilant singers join in:

"You are the best in all the West,
New Mexico, New Mexico,"

to the air of "Maryland, My Maryland," it is a bit unsettling. Have we been blind, or are the enthusiasts misled? Neither; they but voice the satisfaction in opportunity, the joy that glorifies the experience of the pioneer.

Not that there is much pioneering these days in the two commonwealths just taking their full place in the Nation. That era is past. Said a woman whose cement-walled home defied the brilliant Arizona sun:

"What do they have in Illinois or Nebraska that I lack? My house has electric lights, furnace, bathroom, telephone; I belong to a club, we take a daily paper, my neighbors are as intelligent as anywhere—what more do I need?" And three years ago the site of her dwelling was sage-brush desert!

She revealed the secret of the good cheer with which the new Southwest—in a sense the last Southwest—is working out its destiny: the possibility of securing the comforts of civilization at short notice—almost while you wait. Those of prairie-schooner days knew nothing of it—to-day bare plain, to-morrow a community of modern homes.

For centuries 235,000 square miles of gray desert, blue hills, mesas, and valleys dozed under almost cloudless skies. The awakening has come in two distinct periods. Said an old ranchman of New Mexico: "Eighteen years ago I moved here from Illinois. Practically all the Americans in New Mexico were from Arkansas, Tennessee, Texas, Missouri. They drifted in after the war, just as Northerners went to Kansas and Nebraska. They were stockmen; so are their descendants to-day. Ten years ago, when irrigation became a feature of agriculture, families from Illinois, Indiana, and Ohio arrived on home-seekers' excursions. Later, Nebraska, Iowa, and Kansas furnished settlers, until now we have folks from all over the East."

In Arizona the mines brought the first American residents. They came seeking copper, gold, silver. Later came the farmer and the home-builder. To-day on the streets of Phœnix or Bisbee is a cosmopolitan assembly representing every section of the Nation.

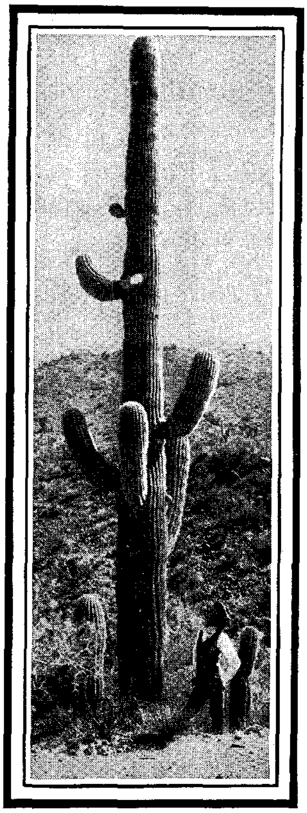
So on its 122,000 square miles New Mexico has 327,000 population; Arizona on its 113,000 square miles has 200,000. While historically and physically having much in common, the Territories are temperamentally far apart. "It comes from their varied settlement," explained ex-Governor J. H. Kibbey, of Arizona. "New Mexico's valleys run north and south, and the early Mexican sheep-herders pastured their flocks far northward. When given grants for more or less valuable services to ruler or conqueror, they chose lands with which they were familiar. The American settlers, westward bound, found a start made toward civilization, and stopped there in large numbers. In Arizona the valleys extend east and west, and the herders were less likely to cross deserts to reach them. The discovery of mines brought the Americans, and not until a later era came the farmer."

So one State is pastoral, the other devoted more largely to mines, and each harbors a grievance against the East. "We have not received a square deal," said Governor R. E. Sloan, of Arizona. "The East has looked upon the Southwest as yet existing in the wild and woolly frontier period, with cowboys 'shooting up' the towns, with terrorism frequently rampant. On the contrary, no Eastern State community is better behaved or has a higher average of citizenship than these new States."

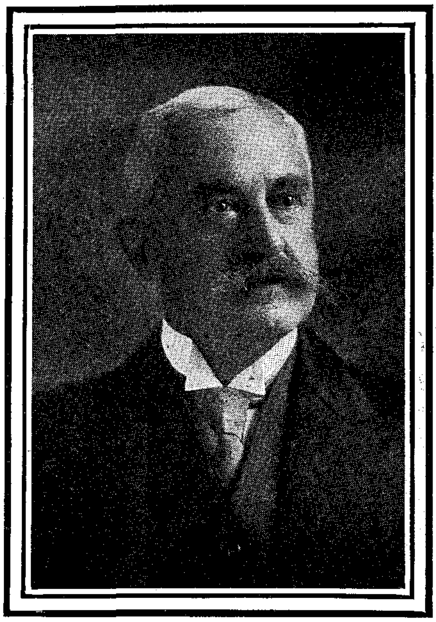
Perhaps the people themselves have furnished some excuse for the East's view. New Mexico usually appears typified by a wide, tilted-rimmed sombrero; a monument to Kit Carson is a feature of its capital city. Arizona erects monuments surmounted by broncho-busters. To the home folks they stand for picturesque features of their history; from a distance wrong impressions may be gained. After all, the big things of the Southwest are not cowboys, pueblos, giant cacti, painted deserts, relics of Aztec occupation, but the transformation being worked by an energetic, wide-awake American immigration that is doing for it what was done for the Middle West three or four decades ago.

Evidences are everywhere. In the suburbs of the little hamlet you see cottages that might have been transported, fully formed, from the Connecticut Valley; store buildings have no more the false square front hiding a gable, but are built on modern lines; cement walks stretch long white surfaces; and circling the head of a gilded statue of Our Lady of Lyons, adorning a chapel in historic Santa Fé, is a halo of electric lights!

In one direction do both States look for industrial progress—irrigation. Their mines produce great wealth, likely to increase as the hills are more thoroughly tested; their lumber camps are important. But mines and lumber camps do not bring homes; they attract migratory laborers whose interest is ephemeral. The farm makes for development of a social life. Only by irrigation can either State hope to build up such a feature. Month after month of cloudless skies and pulsating sun-



SYMBOL OF THE DESERT



W. J. MILLS
Governor of New Mexico

R. E. SLOAN
Governor of Arizona

light will not, even on good soil, raise crops. "Dry farming" is a delusion when the season is too dry. "Thousands of settlers have tried it and failed," said a Territorial officer. "No amount of cultivation can bring moisture from dry skies, and in most years it is a doubtful venture." Unless combined with ranching, the settler is unwise to seek a competency by that route. Better twenty acres under ditch than two hundred on the unwatered prairie. The expense of intensive culture necessary to raise crops with a minimum of rainfall is not repaid by the production. This hundreds of disappointed families have discovered.

Each State has its special pride in irrigation enterprise. New Mexico has approximately 500,000 acres under ditch, with 3,000,000 more amenable to artificial watering. It will take decades to utilize it all, but some day the waters of the Rio Grande and its tributaries, with the flow of smaller streams and surface moisture, will be conserved. The Pecos Valley is already practically all under the plow; the Mesilla Valley is rapidly being improved as settlers realize its possibilities. The Government Reclamation Service is expending millions in projects that will fertilize vast areas. Of these, that of the Rio Grande is largest. On that river, seventy-five miles north of Las Cruces, is located one of the greatest natural reservoir sites in the world. Below this site is the Mesilla Valley; then for twenty miles north of El Paso, and for a like distance below that city, in Texas, is another large area of extremely fertile land. Immediately across the river, in the Republic of Mexico, and in the vicinity of the city of Juarez, are found, approximately, 25,000 acres of equally valuable soil. Here the Elephant Butte project, to cost $9,000,000, one of the most important in the Reclamation Service undertakings, is to be constructed. For Mexico's share Congress appropriated $1,000,000. The total area watered will be 180,000 acres—110,000 in New Mexico, 45,000 in Texas, and 25,000 in Mexico. In three or four years some storage will be provided.

Nearer completion is Arizona's portion in the Service's notable work—the Roosevelt Dam on the Salt River, to be dedicated by Mr. Roosevelt next March. Here the Salt River Valley lies like an outstretched hand reaching westward, with a rock-bound gateway at the wrist. The great bulwark of masonry, built at a cost of $6,000,000, rears its 240 feet, a massive retainer of a lake covering 17,000

THE CAPITOL OF ARIZONA AT PHŒNIX

acres. Behind it flood will be held to be spread out over 200,000 acres, with an additional 40,000 acres to be irrigated by pumping. Here will be demonstrated, as in other similar projects, the possibilities of an acre. Where a man can take $705.65 in asparagus from 1¾ acres, and $980 from one acre of blackberries, or where 7½ acres of mixed berries and melons yield net $3,200, or ten acres of oranges produce 1,800 boxes which return an average of $4 per box, it is clear that only a few will care to own more than they can well cultivate.

"Agriculture," said Governor W. J. Mills, of New Mexico, "is the hope of the Southwest, winning to us men who are worthy as citizens and successful as managers."

It is not a poor man's country in the sense that Oklahoma, Kansas, and Nebraska were. It is the place for the man who brings enough to establish himself and can become an active factor in business life. This class is coming by every train, and it includes intelligent, enterprising farmers of every section of the Middle West. Likewise it is a young man's country. In the handsomely appointed home of the Yavapai Club at Prescott, a club-house that would be a credit to Hartford or Albany, a dozen young business men were chatting. "When I left Harvard—" said one. "I was at Princeton," added another. More than half were college men finding opportunities in the new country. You see few elderly men in the business houses; youthful enthusiasm is everywhere. So you expect, and find, that there are a push and a hustle characteristic of new countries. "See that addition?" exclaimed a real estate man who had left a Philadelphia law office to try fate in Phœnix. "Two years ago it was mesquite, now it's fit for a king."

All this, of course, is of material things, and you find its expression as well in Manitoba or in Florida. Of itself it does not make a State, but it furnishes the basis for economic and social development. The Southwest has peculiar problems, such as face no other part of our Nation. Chief among them is that of the Mexican population—the politician does not say "Mexican," he refers to "our Spanish-American friends." There are plenty of them. In New Mexico 135,000, 41 per cent of the population, according to the Census supervisor, are Spanish-Americans. Many more have some Spanish blood. There are towns and counties wholly dominated by them in politics and business. Once the Territory was theirs, but American immigration has changed that, and to-day the "native" occupies a secondary

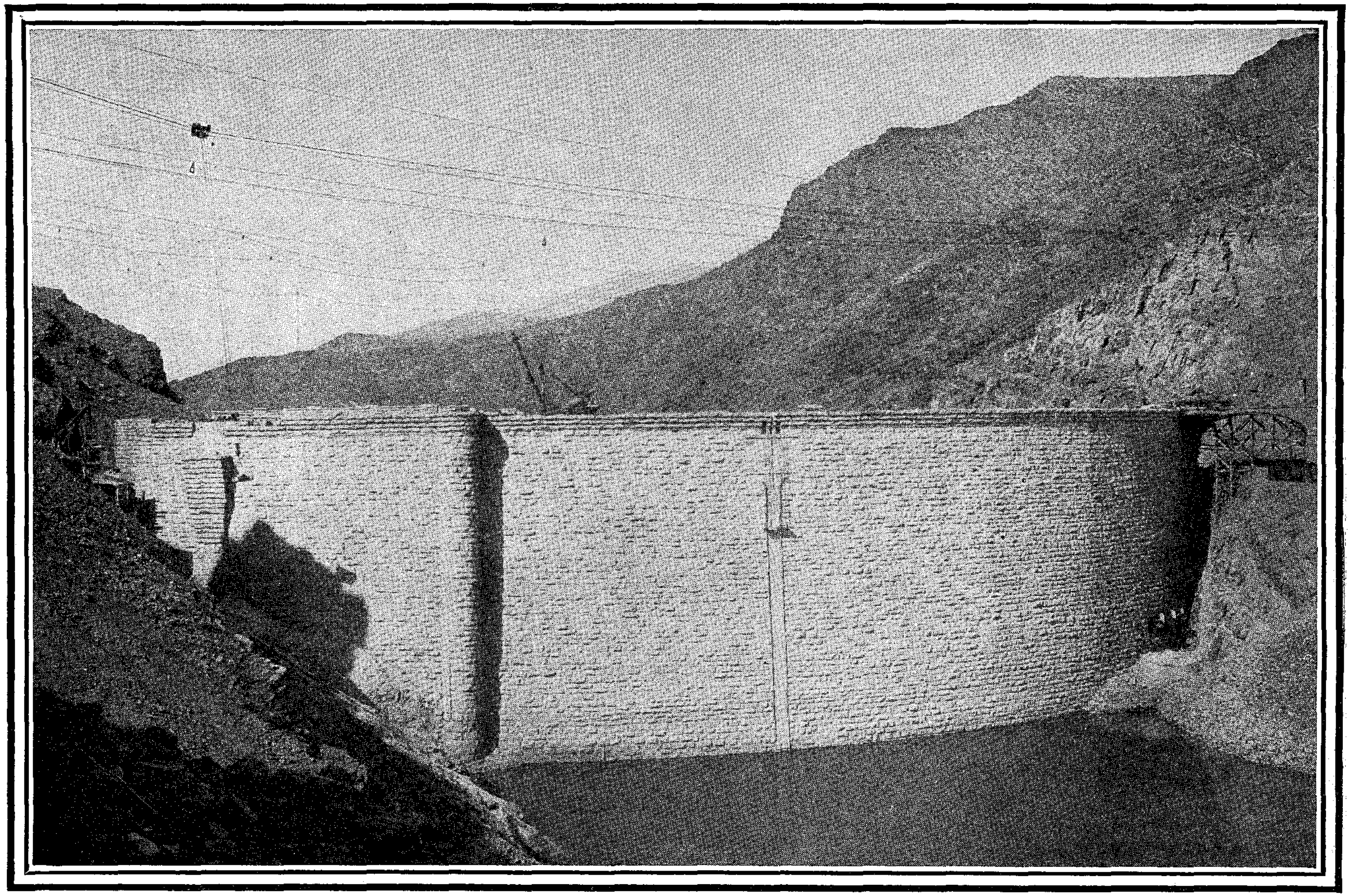
THE CAPITOL OF NEW MEXICO AT SANTA FÉ

place. But he must be reckoned in every accounting.

When the Constitutional Convention met, October 3, of the one hundred delegates, thirty were Mexican. All were Republicans, and added their votes to that of forty-one Americans, making seventy-one Republicans to twenty-nine Democrats. In some of the precincts the ballots for the election of delegates were printed in Spanish. This was the excuse expressed by a Territorial officer: "The precincts where this was done have an almost wholly Mexican population. The voters are men who cannot read or write English, though they can speak and understand it. It was simpler to print the ballots so they could read them than to take each voter into the booth and explain the wording of the ballot. With the next generation there will be no such problem. Every school in the Territory teaches English to every pupil. We have a compulsory school law. Spanish is taught only as an additional language in the high schools. All must know English; but the earlier generation will never learn it."

This Mexican population is of two classes: a large portion the laborers, the sheepmen; a smaller part men of means, shrewd business managers. Curiously, in view of the usual conception of the Mexican, he is given a good reputation by those who know him best. "I have had twenty years' experience with him," said the manager of a one-hundred-thousand-acre ranch. "I have never found better laborers or men who would keep a contract more faithfully. They do not strike, and, treated well, they remain with you. I have bought tens of thousands of sheep of Mexican shepherds without a written contract, and never had one fail to do as he agreed—which is more than I can say for some American stock-owners. We must have laborers, and this class furnishes them. Without them it would be difficult to develop a definite place in the Southwest."

To be sure, crimes are committed, growing out of the hot tropic blood of the race, but even jurists give a fair account of the character of the people. Judge John R. McFie, who has been for eighteen years on the Federal Bench and is Chief Justice of the Territorial Supreme Court, said: "Nowhere have I found better jurors or men with a higher sense of justice than among the Mexicans. I have tried murder cases in which the defendants were Mexicans and every member of the jury of that nationality, yet have always found the verdict fairly given, and conviction has followed regularly if the testimony warranted. They are good citizens, are fair-minded, and



THE ROOSEVELT DAM

adhere to the Court's instructions more closely than any other jurors I have found. There are no 'smart Alecks' among them; they take their duties seriously and strive to seize the argument. Probably there are more defendants of this race than of Americans proportionately to the population, but their offenses are mostly of a minor sort. There is no race issue. They divide on public questions, as do the Americans. They are laboring people largely, not particularly progressive—nor aggressive—and there is no likelihood of antagonisms nor of difficulties in the future."

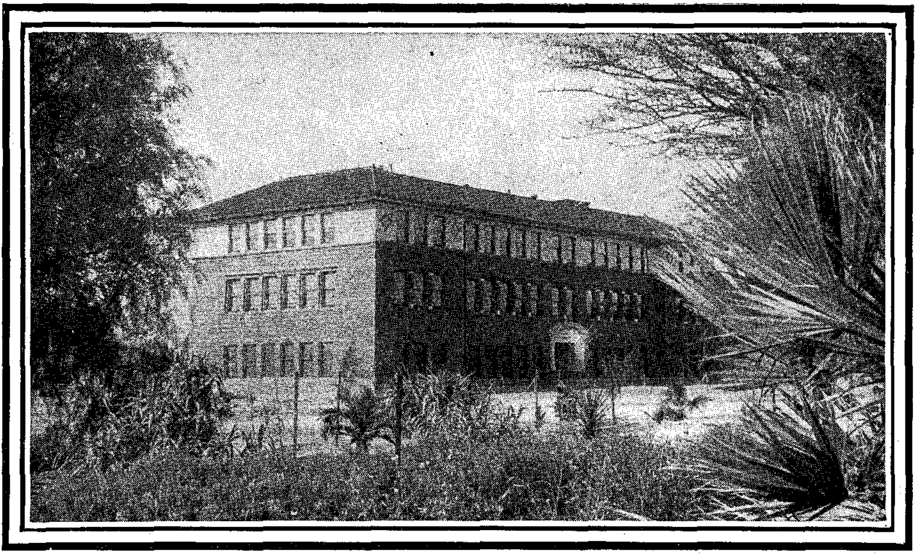
A striking instance of the Mexican temperament was shown in Arizona, where a Democratic Legislature adopted an educational qualification for franchise. It was charged that this was for the purpose of disfranchising Mexican voters in one county where the Republican majority was overwhelming. It was never put in operation because the enabling act omitted any such ruling. When delegates to the Constitutional Convention were elected, the county referred to, with a large Mexican vote, to the surprise of the politicians who counted on the vote being swung solidly to the Republicans because of the Legislature's action, elected a Democratic delegate. The Mexicans voted for the man and his principles, rather than with the party. They do a small part of the town's business; their credit is good, though as a class they are unambitious. Practically all are Catholics; the priests are mostly French or Spanish.

In New Mexico the Mexican vote is in the southern counties, in Arizona in the southeastern section, both being closest to the boundary line of Mexico. It is the opinion of those well informed that the Mexican population is not increasing, rather that it is likely to decrease as ranches are broken up. Some go back to their native country, others scatter as laborers.

Yet in New Mexico, with more than one-third of the population of that blood, this class must be considered for many years. The next generation, taught in English schools and in touch with a rapidly growing American constituency, will be far different from that of pioneer times, and the line of demarcation in business and politics will constantly become fainter. On the whole, it does not appear so much a problem as a condition, with few difficulties in its management and without injurious effect on the economic life of the new State. An intelligent Spanish-American put it: "All we ask is a chance to make a living. We do not desire to interfere with the American, nor do we propose to be degraded—just a fair chance in the State's life—that's all." Nor does it appear that the Spanish-American vote can be always dictated by one party or faction; this will add an element of uncertainty to its place when Statehood is complete.

In Arizona there is the Mormon question. Two members of the Church of the Latter-Day Saints were elected members of the Arizona Convention. Said Governor Sloan: "It has been repeatedly charged that the Mormon vote in Arizona is thirty per cent of the total; it is not more than ten per cent. The people of this sect are farmers and good citizens. They are prohibitionists and not polygamists. There is no indication that they will ever be a large factor in the State's politics. The Mexican population is not more than fifteen per cent, mostly itinerants, and likewise no important factor in politics, for the American population is increasing, while the Spanish-American stands still. We have had clean Legislatures, no scandals, and have an ambition to make this a good State for the farmer and business man alike. With our 400,000 acres now in cultivation we can support twice the present population. Eventually there will be 1,250,000 acres tilled, and every acre extraordinarily productive. We want settlers and capital, and propose to give both square treatment."

This last sentence is the key to the sentiment of the dweller in the Southwest. Men and money are needed. Irrigation enterprises cannot pay unless settlers come to till the lands. Here and there a plunger has equipped a great ranch house, making a mansion in the desert. He has lived like a king, impressing every titled visitor—and then departed. Such investors are not wanted. The future will depend on the worker, the man who comes to stay. Owing to the vast distances and the waste desert lands, there can never be a network



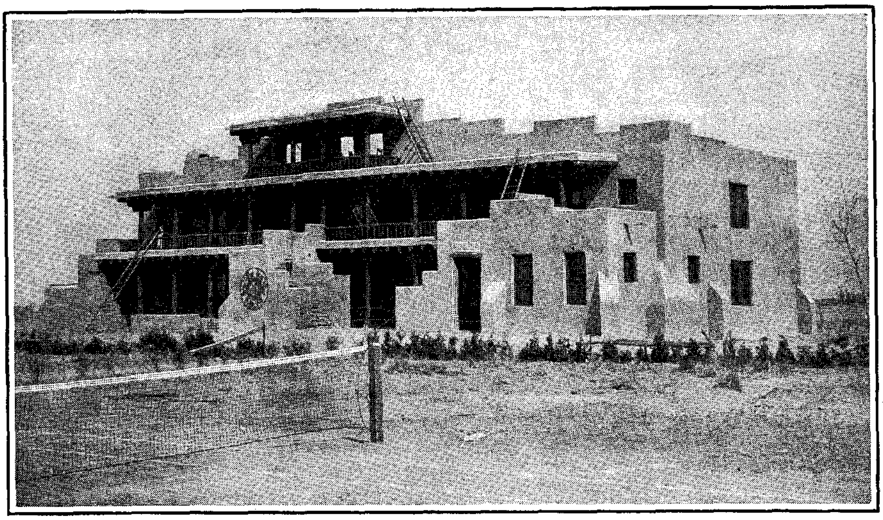
THE UNIVERSITY OF ARIZONA, TUCSON. SCIENCE HALL

of railways such as has covered Oklahoma and other parts of the Middle West. Two trunk lines with some branches constitute practically all the railway facilities likely to be had for many years. The new States will be disposed to consider this in their statutes, as they will the work of capital that has developed the mines and stored the waters; but there is a strong undercurrent of disposition to regulate corporations and secure for the citizen his full rights.

In New Mexico, where the Republican majority is overwhelming, primaries, initiative and referendum, and similar progressive ideas have not been indorsed. The Constitution is to be, as Governor Mills expressed it, " safe and sane," with the idea of submitting additional propositions to the voters separately. The Mexican voters, being largely sheep-men, are generally high-tariff advocates, and this accounts for much of their allegiance to Republicanism. In Arizona the Democrats are in large majority, the Constitutional Convention having forty-four Democrats to eight Republicans, no Spanish-American delegate being elected. The Constitution will contain many " Progressive " sections. In neither State is equal suffrage or prohibition likely to carry. The initiative and referendum will probably be a part of Arizona's organic law. These differences indicate the variation in settlement and business interests in the two new States.

A peculiar feature of the realty holdings of the Southwest, almost unknown elsewhere in the United States, is the existence of land grants. Back in the old Spanish days, whenever a king or conqueror was particularly pleased with a favorite, or when a general performed some deed of merit, a few thousand acres of land were given. Naturally, of those holdings on this side the line, the larger portion were chosen in New Mexico, because it was with this part of the Southwest that the natives were most familiar. After the Mexican War a court of claims passed on these possessions and decided what were the boundaries and perfected the titles. In the Auditor's office at Santa Fé is a list of 150 grants, ranging in extent from the famous Maxwell grant of 1,440,000 acres to tiny gifts of fifty-seven acres. Nineteen exceed 100,000 acres each, four are more than 500,000 acres each. The total area is over 8,000,000 acres, one-tenth the State's area.

Those early adventurers were shrewd; they selected the most promising valleys for their locations. It has taken a long time to place these lands on the market. Some are owned by European syndicates —the Maxwell grant having passed to Holland capitalists. Many heirs were to be satisfied, and not until recently were



THE UNIVERSITY OF NEW MEXICO, ALBUQUERQUE. GIRLS' DORMITORY

the lands offered to the settler. Now, however, they are being broken up and sold either to land companies or to individuals. This adds materially to the area of farming land in the new State, and removes one hindrance to rapid settlement. In Arizona the grants, with one or two small exceptions, are all within thirty miles of the southern border, and their area is small. The hope of the new States is agriculture; land speculation by syndicates is detrimental to their progress. Mining in Arizona bears to agriculture a ratio of seven to one; it is a matter of a few years when agriculture will do what it has done in Colorado—outstrip the mines.

But it is not to be accomplished without forethought and intelligent management. For instance, the forthcoming report of the Territorial Auditor of New Mexico will show that the total valuation of taxable property, which is $58,313,126, on a basis of about one-fifth real value, has decreased $1,151,000 in the past year. The Auditor wrote to the county officers to know the reason. The replies were interesting. "Many farmers came to try dry farming, and the drought caused them to leave," says one. "The revaluation of irrigation properties that did not prove as valuable as expected caused a decrease." "Sheep and cattle have fallen off because stock has moved to other grazing grounds on account of short pasture," say others. These changing conditions do not lessen the opportunity of the new lands, but emphasize the importance of intelligent settlement and of plans fitted to the new conditions. The man who has farmed in Wisconsin sometimes learns through expensive experiment that he must use different methods. A few, discouraged, return, or go on to the coast States. When, as in New Mexico, 10,900 homestead entries are reported by the latest statistical report in a single year, covering more than a million and a half acres, there are certain to be some disappointments.

It tells but part of what our new States consist to say that New Mexico has eighty-one banks with $18,000,000 deposits; Arizona, fifty banks with $17,000,000 deposits; that Phœnix gained thirty-five per cent in valuation last year, and with 20,000 population has property assessed at $9,000,000; that Albuquerque, with 25,000, is extending its city limits to accommodate incoming residents; that towns like Prescott, Santa Fé, Globe, Bisbee, are showing the touch of progress in everything that goes to make modern municipalities; that the permanent school funds are among the most liberal of any part of the Nation; that churches are abundant and their pastors abreast with the times.

Associated with these evidences of

worth as a promise of the future is the character of the people. That they are planning for the higher life is apparent. "These new States are actually top-heavy with institutions of higher learning," one Territorial officer put it. "By that I mean that we have provided so liberally for universities, normal schools, and similar institutions that we have greater facilities than there are students to utilize them. Teachers' salaries are high." The University of New Mexico, at Albuquerque (its buildings quaintly typical of the Southwest, fashioned after Indian pueblos), enrolls 130; the University of Arizona, at Tucson, has 201. They are liberally proportioned for the larger attendance that will come with the growth of the States. School lands in each State are counted by millions of acres.

Not quite complete was the solemn remark of the Census supervisor of New Mexico when he said: "We have the largest proportion of our people owning their own homes free of debt of any State in the Union."

"Is this from statistics, or is it real estate boom literature?" was queried.

"Fact." Then, with a smile: "Why not, when all necessary to make a house is to go out in the back yard and dig some earth for an adobe wall?" Yet even a "doby" dwelling is an abiding-place, and its possession in fee simple undoubtedly adds to the contentment and permanence of the population. Nor is such a home to be despised, when made with skill. Many of the best families dwell within such walls. Cool in summer, warm in winter, decorated with the inevitable Navajo rugs and blankets, they become unexpectedly attractive.

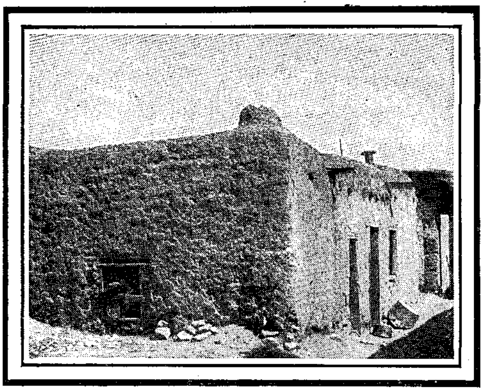
"We are going to add two rooms to our house this fall," said a settler's wife. "The contract calls for large ones, and they will cost $50 each." Most of us would like to enlarge our dwellings on that basis.

Every town of size has its woman's clubs. Carnegie libraries are here as elsewhere. The preservation of the traditions and reminders of the strange races that lived here hundreds or thousands of years ago occupies the attention of the studious. The Archæological Institute of America keeps a force of student workers under skilled management unearthing the villages and homes of prehistoric people, its headquarters being at Santa Fé. Some recent excavations show marvelous ingenuity and workmanship in the construction of those queer community dwellings, built with earth walls several stories high, and occupied for every purpose, from the ruling of kings to the plotting of subjects. Just now especial pride is taken in a perfect type unearthed at Puye, the first of the ancient pueblos of the Rio Grande Valley to be excavated systematically, and the second ruin in the United States to be preserved as a National monument. Rich in prehistoric history is all the Southwest, material for many generations of students. So much comes down from the past—water runs to-day through irrigation ditches built in the time of Montezuma.

Nor is a fine sentiment lacking. At Prescott is being completed by Arizona a Pioneers' Home, a stately edifice set high on a beautiful site, to be the resting-place for those who were in at the beginning of things. Having lived in the Territory twenty-five years and reaching the age of sixty, the needy and deserving may there find comfortable retreat for their later days. It is a commendable tribute of appreciation.

Then there is always the health-seeker. "The world has been educated to think the climate of the Southwest an infallible cure for weak lungs," said a county supervisor. "As a result sufferers are sent here by the hundreds, often when it is too late. They come with money and without—but always with hope. We do all we can for them, but it is puzzling to know what is best. They cannot be sent home, and it becomes a burden to care for them as they deserve." Many tuberculosis camps under the management of church organizations or associations are established away from the towns. In the towns signs forbidding spitting on the walks are everywhere, and efforts are made to restrict the spread of disease. Many come intending to "rough it" on ranches—but they are just the persons that the ranchmen do not desire. One such went to a physician. "I can do nothing for you," was the advice. "But go out on the desert and see how long you can live without stepping under a roof." In six months a sturdy, sun-browned man reappeared and introduced himself with, "This is the first time I have been under a roof." That is what helps; sunshine and pure air will do the rest —if anything can.

Some things are done in a way that the East could well pattern. For instance, Arizona is building a Territorial Highway, the most extensive piece of road-making in the trans-Mississippi country. The principal portion, on which work is now being done, is a one-hundred-mile section from Phœnix to Prescott through the Bradshaw Mountains, its highest point 7,000 feet. It is a beautiful roadway, twelve feet wide, surfaced with disintegrated granite, and will cost $4,000 a mile. Other stretches are valley roads, surfaced partly with granite, partly with gravel, and partly oiled, costing $900 a mile. Concrete bridges, one costing $55,000, are being built. When completed, the system will cost $1,250,000, and 1,043 miles of boulevard will connect the principal towns and cities reaching up to the titanic wonder of the Southwest, the Grand Cañon of Arizona.

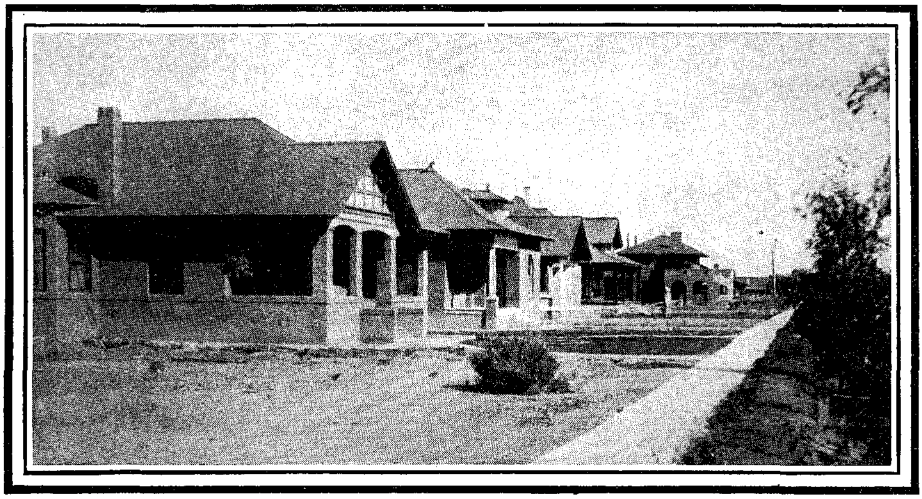


THE OLDEST HOUSE IN THE UNITED STATES (1520) AT SANTA FÉ

A ranchman invites you to go thirty miles to see his property. "By stage or horseback?" you ask. "Oh, in a car, of course." Automobiles are nearly as common in the new States as in New York. The Territorial Highway and the Scenic Highway, just begun in New Mexico on much the same plan, will make an ideal course for the motorist.

Always will there be interest for the visitor in the many strange sights of the new commonwealths. The Indian pueblos, the reservations, the petrified forests, the cañons, and the deserts have fascination. Old and new civilizations mingle. In remote parts you see ponies driven round and round, treading out the wheat as centuries ago. A few score miles away is a great concrete dam furnishing electricity and sending it miles over the barren plain to illuminate towns and drive street cars. This blending of the old and new is one great charm of the Southwest, nor will it pass away. Conditions are such as to retain the picturesque.

To be sure there are hundreds of square



AN ARIZONA SUBURB, WHERE ALL WAS MESQUITE EIGHTEEN MONTHS AGO miles for which no possible use can be imagined—an area that seems for no purpose except to separate places of civilization. Gray, solitary, aloof, like the cacti that are its sign, it bakes beneath the summer sun. You come to feel that it has overpowered the whole region. A few miles, and you drop into a valley where meadows of alfalfa, fruitful orchards, and fragrant gardens abound, a little Eden complete in its own resources—and the desert is forgotten!

No such close settlement is possible as in the Middle West, where every quarter-section may support a family; but over such area as can be profitably tilled will be produced, by intensive farming, crops that cannot be approached except where artificial moisture may be obtained. Land at $500 to $1,000 an acre seems at first unreasonably high; when production is considered, it is really cheaper than much of the acreage of the Middle States at one-tenth those sums.

A clear-headed, energetic people is developing the new States, eager to make them, in Western parlance, "a good place to live in." That success will come is inevitable. The era of the "bad man" has passed—it is punishable by heavy fine to carry concealed weapons in either State. The era of the home-builder is at hand.

Set amid twenty miles of brown-gray prairie was a tiny adobe dwelling, an adobe-walled corral, and a bit of plowed ground. Thoughtfully, from the observation platform of the California Limited, a passenger watched it. "My father," he commented, "once started West by ox-team. In mid-Iowa he became discouraged, squatted on a claim, farmed for three years, then sold out for two hundred dollars and went back East. To-day, part of the business section of Des Moines is built on that farm. It may be—"

The suggestion lent keener interest to that dull-brown group fast blending into the hazy distance.

Into every beginning in the new States enters some vision of the future. In a half-century more, it may be— Who knows?

THE OLD CELLAR PLACE

BY FREDERIC E. SNOW

A huge depression in the earth o'ergrown
With grass and weeds, where rose and lilac sprout
In wild disorder straggle all about,
And in the midst a tumbled heap of stone
Sprawled like a ruined tomb, deserted, lone,
And smoke-begrimed, where ghosts of ancient fires,
In generations past lit by the sires,
Flicker a brief moment and then are gone!
Here hid the apples from the light of day
And mellowed in the darkness; cask and bin
Held ample store against the winter's frost:
But now the house has perished with decay
Since they are gone who made the home within;
And all but this old cellar place is lost.

The Best Story I Ever Heard

By

Albert Edwards

With Drawings by
Charles W. Furlong

THE great market-place, or Sok, of Tangier is spread out on the hillside above the Fasci Gate.

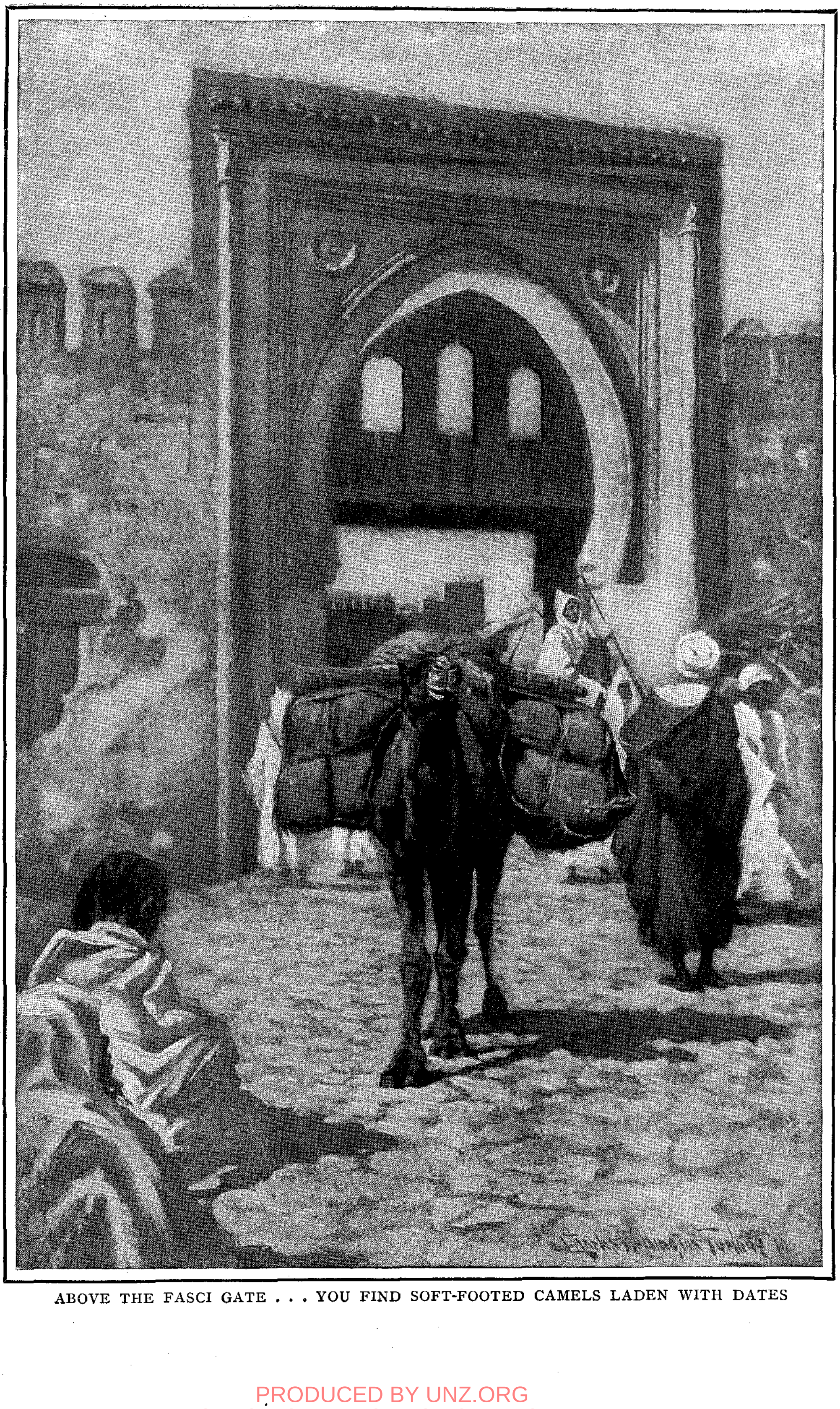
There are many beautiful outlooks from about the city, but the view from the Sok—the moss-covered walls of the ancient citadel, the broad bay, the distant Pillars of Hercules, the gold and green hills of Spain across the Straits—is the best of all.

Thursday is the day set for the market. But all things in Mussuldom begin the day before. By noon Wednesday the Sok is in a turmoil. The trails leading in from the country are crowded with peasants, their mules and womenfolk laden with the produce of their fields. Old Father Time becomes young again. Within sight of the modern battle-ships of Gibraltar you find soft-footed camels laden with dates, black Nubian slaves running about with pigskins filled with water, asses half hidden beneath immense crates of cackling chickens, bare-legged hill women plodding along under appalling loads of brushwood. Abraham, Isaac, and Jacob are there with their original flocks and herds.

There is much buying and selling Wednesday evening. All night long there is movement. Newcomers from the distant hills find squatters in their hereditary booths. The ensuing wrangle makes sleep impossible. As any one's business is every one's affair, the argument is voluminous and acrimonious. Then suddenly—in a way utterly beyond the comprehension of a mere infidel—the matter is arranged. "Silence like a poultice comes to heal the wounds of sound." The Sok falls asleep till the next eruption—caused by a new arrival or the stampede of a delirious jackass.

I happened to be walking through the Sok one night when a disturbance occurred which has become almost historic. It was caused by the foxhounds of the English Embassy. Some careless person left the kennels unlocked. Wandering about in the quest of adventure, the dogs struck the trail of a vagabond cat. She sought safety in the sleeping Sok. The excitement caused by the passage of the pack of hounds—full cry and hullabaloo—through the hodgepodge of unstable tents and rickety booths, over the half-awakened superstitious Moors, was a thing to wonder over and admire.

"The Slave of God," who is my mule-boy, told me in the morning that Allah had sent seven devils—also many *jinoon*—to scourge the people for their sins. I was able to buy a Sus dagger from a frightened tribesman for its real value; if his conscience had not been wrung by the visitation, he would have charged me tenfold. The face of a sheik of the Anghera who had been sleeping in the very path of the devastation had been scratched by



ABOVE THE FASCI GATE . . . YOU FIND SOFT-FOOTED CAMELS LADEN WITH DATES the feet of one of the *jincon*. There were some of the *ulema* who, after an examination, maintained that the wounds had been given by an *afrit*, not a *jinn*. The old gentleman was so worried over the affair that he went to the Grand Mosque and divorced all his wives, vowing a year of celibacy.

But aside from such untoward accidents, the pandemonium reaches its height in the third hour after sunrise prayers on Thursday. By noon things are sold out. For an hour or more the people of the Sok figure up their accounts. They use a mystic system of arithmetic, the outward signs of which are little piles of stone, twigs set up on the ground, and resounding slaps on the knee. There is a proverb about being as sore as the knee of a lucky merchant. Business finished, the Sok looks about for entertainment. It is the harvest-time for mountebanks and story-tellers. The acrobats one sees in Tangier are not good; the cream of the profession is skimmed off for the music-halls of Europe. But the story-tellers, protected by their impenetrable language, shine in their pristine glory.

Verbal literature is the only art held in high esteem by the Moors, and the story-tellers are conscious of their high calling. They are stamped with the stigmata of Bohemia. You could no more mistake them—once your eye has begun to catch the *nuances* of Moorish dress—than you could mistake the velveteen jacket, the flowing tie, and the unkempt hair of a Latin Quarter artist. Here, in Tangier, they tell their stories as they did in the Court of the Caliphs of Bagdad; as they did in the Great Palace of Soulimon bin Daoud at Jerusalem; as they have done among all peoples since the invention of rudimentary speech.

The staccato thumping of a tom-tom attracts attention. The story-teller stands on the outskirts of the Sok. He looks profoundly up into the profundity of the sky. Beside him a slave boy squats on his heels and does the vulgar advertising work on the tom-tom, and also collects the coins which the story entices.

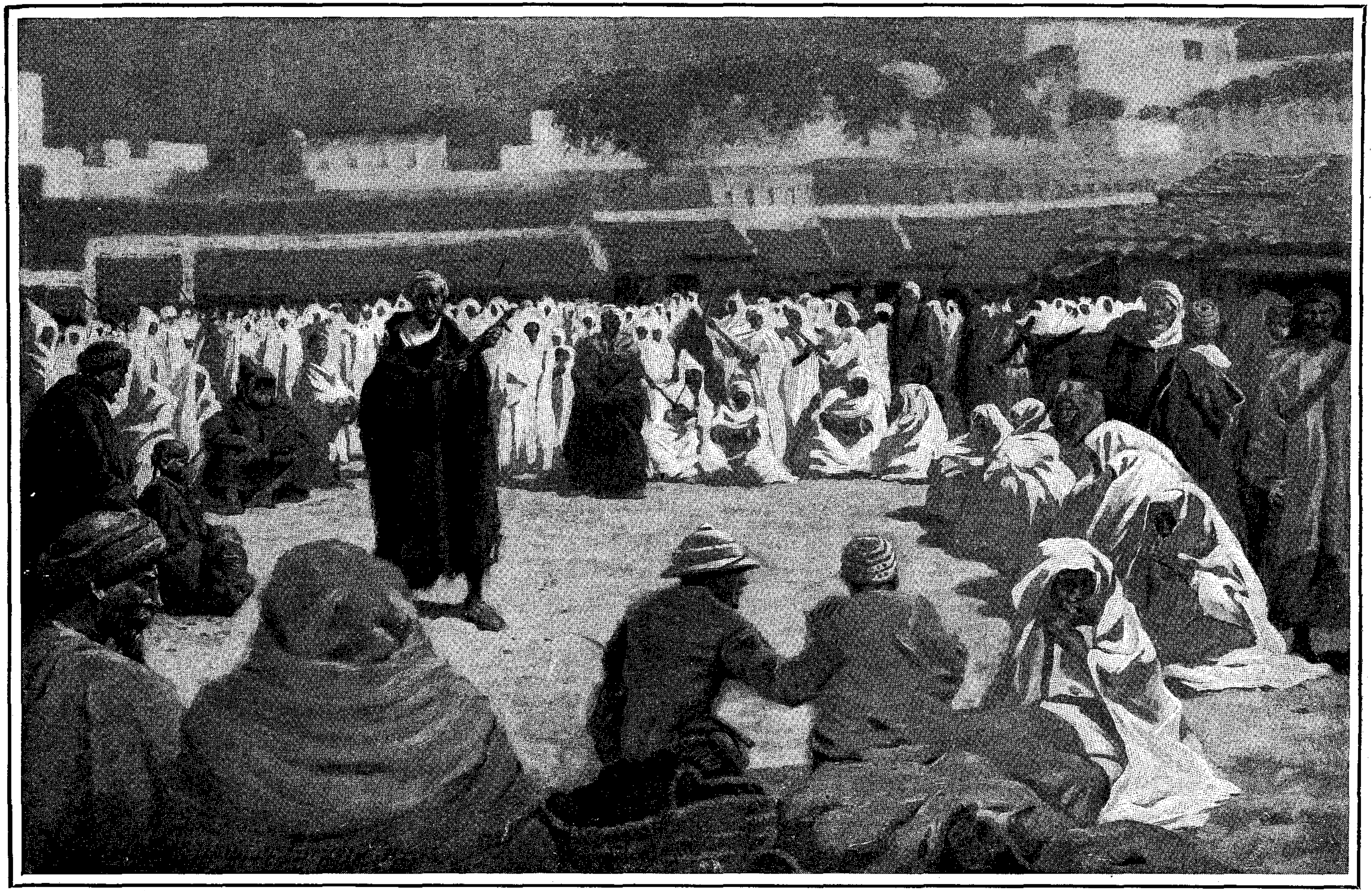
The market folk sit about in a great circle. Striking faces these countrymen have. There is not a flabby cheek, nor a heavy chin, nor a bleared eye among them. They gather in cliques—Riff tribesmen, the aristocrats of North Africa, their turbans made out of blue rifle-cases, for they would have you remember that they are warriors; Fasci, in flowing *djellabs*, broad strips of black and cream; Berbers from beyond the Great Atlas, their mantles of the soft fabric woven from the belly wool of mountain goats; *ulema* and divinity students in spotless white; here and there city men in gorgeous colors—burnt orange, olive green and blue—they have more fat on their faces, and begin to look as ill conditioned as Europeans.

Hardly a Thursday goes by that does not find me squatted in the circle, my riding-breeches marking me out as an infidel—a thing of shame. Abd Allah—"the Slave of God"—sits beside and translates the wonder stories of the Orient. It would be more correct to say he perverts them, for his conversation has all the elusive charm of a Chinese puzzle. He talks in a *lingua franca* which is one-third English, one-fourth French, the rest just words—a ragout of Spanish, Senegambian, Italian, and Arabic. But I can get enough to note down the framework of the stories.

All this explained to me the scheme of the "Arabian Nights" tales. For the competition among the story-tellers of the Sok is keen. Often half a dozen are going at once. In order to keep up the interest, to prevent the audience going over to a rival, the first story before it is finished leads into an endless chain of others. If you wish to know the fate of the first hero, you must sit patient a long time, only to find your curiosity entangled with half a dozen new ones.

We of the West have forgotten how to tell stories. We have learned to write them down. The printing-press has taught us how to can them. The charm of facial expression is lost—all the rich possibilities of tone and gesture. If our heroine is sad, we must write it down badly, "She was sad." The longest, most intricate novel of Henry James could be told by a skilled teller in half an hour.

The art of Oriental literature, whether prose or poetry, and the two are seldom entirely divorced, is not the simple concoction of a plot nor the invention of a



THE MARKET FOLKS SIT ABOUT IN A GREAT CIRCLE dainty conceit. It is more than all else the technique of presentation. The words are the least part of their artistry.

So one who does not know their language can find pleasure in the performance as pure pantomime. For Abd Allah's translations would be meaningless, utterly without charm, if it were not for the story-tellers' ability to portray by tone and gesture the spirit of their tales.

One day Abd Allah told me—painfully, having to repeat it a dozen times before I could sort out his meaning from the jumble of words—that Hadje Akmet bin Nassir el Mokri el Agadir, the most renowned story-teller of Morocco, had returned from his twelfth pilgrimage to Mecca, and would perform the next market day in the Sok. The name was already familiar to me; so often as I had shown enthusiasm for a local story-teller, Abd Allah had shrugged his shoulders and said, " La! la! Signor! He is but camel-dung under the feet of the blessed Hadje Akmet."

I was early in the Sok that memorable afternoon. Although the great man had not come, his orchestra—eight coal-black Nubian boys in pure white *djellabs*—had already collected an immense circle. The regular story-tellers, knowing that competition was hopeless, had gathered about the orchestra. The Slave of God told me that Hadje Akmet would divide among them all the money thrown into the circle. " Is he not rich in the blessings of Allah, the Beneficent? He takes only jewels from the great Sultans."

At last a cavalcade came through the Fasci Gate. The nobility of Tangier had turned out in full feather. It was a brilliant company, to which Hadje Akmet, riding at the head, presented a striking contrast. His *djellab* was as faded and frayed as that of the poorest story-teller of the Sok.

" It is," said Abd Allah, " the same *djellab* to his all twelve pilgrimages he has worn. Even so, when the story is told, I will it kiss—yes—the fringe."

Of course Hadje Akmet's simplicity of manner, his bored disregard of those who would do him honor, may have been an elaborate affectation. But why should a man whose name is known in the remotest village of Mussuldom, whose art has been honored in the four great courts of Islam, who, within the shadow of the Holy Kasbah, beside the revered tomb at Medina, had held spellbound men of a hundred nations, from the four corners of the earth, be moved by the homage of Tangier, the least of Mohammed's cities?

He was a wiry little man, his long beard streaked with gray, his face parched by the sun of the Sahara, the sand-storms of Arabia, the cruel blizzards of Samarkand. His gray eyes were restless with having seen too many men, too many places. He jumped from his mule, scorning the hundred hands which proffered help, and entered the circle. He spread out his arms and bowed low towards Mecca. Then, picking idly at a two-stringed lute, looking out at something far beyond the horizon, he prayed, with rhyme and rhythm, under his breath, his words scarce audible.

" He say beautiful thanks at God for safe come home," Abd Allah whispered.

This finished, he sat down, his eyes closed. The negro boys beat wildly on their tom-toms, tore savagely at the strings of their viols. Some camels snorted and quarreled in the distance. A brass bell tinkled sharply as a Sudanese water-carrier hastened up the slope to join the circle. But I have never seen men so silent.

When Hadje Akmet stood up, an audible sigh came from the tense audience. He twanged twice on his lute, and, standing immobile, expressionless, began to set the stage for his drama. He finished his prologue and paused. In an instant he made his face, his hand, his whole body—even the folds of his worn *djellab*—speak Fear. His orchestra was stilled. In a harsh, raucous voice, shudderingly, he besought help. As suddenly he was silent again, twanging his lute. Then he took up the part of Cunning. Jealousy, Hilarious Mirth, Love, Murder, he visualized before us. Once, I am sure, he spoke of the full moon, the reflection of a group of date-palms on the pool of an oasis. Once he was riding a fleet Arabian stallion on a hot errand of love. Again he was sore athirst in the barren stretches of the Great Desert. Then the din of war pervaded the Sok—the clash of gleaming cimeters, the hum of arrows, the wail of death.

Twice I tried to make the Slave of God translate, poking him vigorously in the ribs. I might have whittled off his ears. Big-eyed, open-mouthed, as taut as a forestay in a gale, he scarcely breathed, so light the spell held him.

But a deaf-mute could have seen the story, so plainly it was written on the circle of intense faces. They were plastic under the magic of the spoken words. One did not have to hear, to feel, the horror that froze those faces at Hadje Akmet's wish, the berserker fury he painted there, the pity he called up for the widows of the slain.

As each mood he conjured up was more tense, more hypnotic, it seemed that the spell must break, that the climax had come at last. But the wizard had himself as well as his audience in hand. In the short intervals when he let them breathe—as he twanged two, three, four chords on his lute—his face was emotionless and overwise, as though his art held for him no new thing to learn, no new triumph to hope for. Then in a flash the old face showed you a young maiden dancing for the first time before him whom she loved—showed you a leader of the Faithful lifting a thousand-footed charge over the ramparts of Unbelief.

It was wonderful—past any words of mine. The climax, when it came at last, left the circle torn and breathless. Hadje Akmet sat down, the tired, worn old man again, and from the forlorn tatters of his *djellab* drew out a slender *keef* pipe, and lit it with a European match.

Then he was lost in a surge of fanaticism struggling wildly to kiss his twelvefold holy robe. Somewhere in that turmoil was the Slave of God. He had forgotten me utterly. I caught one fleeting glimpse of him in the adoring throng which accompanied Hadje Akmet back to the city.

My anger at his deflection was in proportion to the mighty spell of the story-telling. I was sore bitten by curiosity to know what it had all been about. I was only sure that it was infinitely superior to the ordinary run of Sok stories. Late that night I discovered the deserter, drunk with *keef* smoking, in the café of his tribe. He sat sullenly in the corner and refused to come out.

On the morrow he came to my room as if nothing had happened.

"*Sidi*," he said, "this morning finer than to-morrow for too long ride up Djibel Kebir."

"Too" in Abd Allah's lingo means "very." If the eggs he buys are not rotten, he calls them "a too fine eat."

"No," I said; "this morning you tell me the story of Hadje Akmet, that I may write it down in my book."

"La!" he seemed decisive. "We go up Djibel Kebir. A too fine day."

"Guess again, thou son of Satan. We sit right here in this room and you tell me the tale of Hadje Akmet."

"La!" he grunted.

I became violent in my urging.

"It is not a story," he said, "which can be told to an infidel."

I have beaten the Slave of God with my riding-crop. I have spit in the direction of the tomb of his grandmother. I have discharged him from my service. I have tempted him with a Winchester rifle. The Maxim Silencer on the end of it is indisputably an invention of the *jinoon*, a work of the Lower, Middle, and High Magic. It would make him a considerable man in his village; more to be envied than the *ulema*, even on a par with the *caid*. But he insists that the story of Hadje Akmet cannot be told to an infidel.

I am sure it was the best story I ever heard.

The Mothers

By Harold Trowbridge Pulsifer

The Mother

Daughter of mine, bride of my son,
Radiant-eyed from the love you have won,
Little you dreamed of the long sweet years,
The fledgling hopes and the half-thought fears,
The spoken joy and the hidden tears;
Little you dreamed—and less you knew
How much of my life I gave to you.

The Bride

Mother of mine, so long unknown,
You that have called my boy your own,
What can you know of the love I bring,
The hope in my heart, the lilt and swing
Of life new-touched with an angel's wing?
Mother of mine with the lonely eyes,
Has my love meant no sacrifice?

The Mother

Daughter of mine, bride of my son,
Flushed with the hope of your life begun,
What have you known of vigils kept
In the desert land where Hagar wept
When God forgot and the angels slept?
Whence came the light within your eyes
That makes your face so mother-wise?

The Bride

Mother of mine, I saw your smiles,
The tear-wet flowers of tender wiles.
Is the garden of life for you less fair?
Is the rose of love no longer there?
What is the hope I cannot share?
Mother of mine, who have loved so well,
Are mother-hearts born with the marriage bell?

The Mothers

Sister of mine in motherhood,
How can he dream the half we know,
We that have kept and understood
The lover's law of sun and snow?
How can our boy, so wistful-eyed,
Child that he is in mother-land,
Fathom the depths of love and pride
That guard his life on either hand?
Love as old as the ancient hills,
As new as the youngest flower—
This is the living spring that fills
His child-heart, hour by hour.
We that are mothers of one have been
Mothers of all since time began,
Holding the cross of the whole world's sin,
For the love we bear to the child in man!

A New Vermeer

By E. V. Lucas

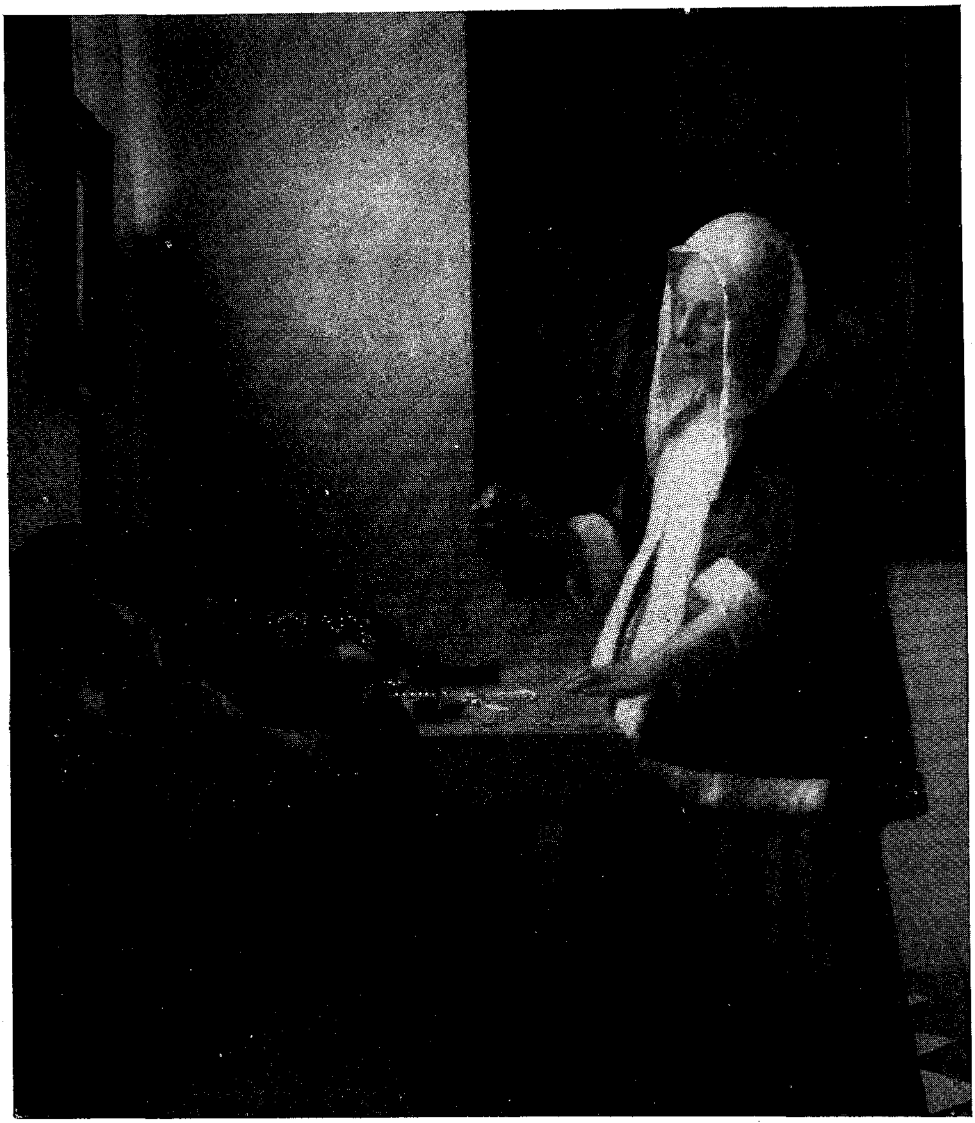
WHEN I was permitted to write in The Outlook (in March, 1910) on the work of that rarest and most fastidious of masters, Jan Vermeer of Delft, I said, at the end of the essay, after enumerating his thirty-four known examples—thirty-four for a lifetime of forty-four years, and eight children to support—"The question that confronts us, the question to which all these remarks of mine have been leading, then, is, Where are the others?" And I added that the existence of certain others was practically a certainty.

Among those, I had chiefly in mind the picture which was known to have been in the Casimir-Périer collection in the early years of the last century, and was bought in at the sale by a member of the family. When twenty-one of Vermeer's works were sold by auction in Amsterdam in 1796 (twenty-one years after his death), this picture, described as "A Woman Weighing Gold," was No. 1 in the catalogue, and it fetched 155 florins. Five years later it was sold again, at a reduced figure; still later, for 235 florins; in 1826 again, at Munich, for 800 florins. It was then that it passed to the Casimir-Périers, but since it was bought in at the sale of their collection in 1848 it has disappeared.

Well, this picture has now been found, and as I write it hangs alone on a wall in the gallery of Messrs. Colnaghi, the London experts, beneath an electric lamp whose light it shames. For some pictures are themselves lamps, and this is one. It was tracked by Vermeer's greatest champion to-day, the Dutch virtuoso, Dr. Hofstede de Groot, the author of the standard monograph on the painter's work. Considering that it was known that the Casimir-Périer family owned it, and that it was found in the house of the sister of the late Casimir-Périer, President of the French Republic, the Comtesse de Ségur, there is no need to lay too much stress on the sleuth-like qualities of the discoverer; but some one had to bring the masterpiece to light, and he did so, and to him, therefore, the credit. And now, as I say, it hangs on Messrs. Colnaghi's wall until the time comes to pack it up and send it to the new El Dorado, to which all the most beautiful treasures of art now automatically go, since we in England (it is alleged) have nothing left for luxuries when life's taxes have been paid. You already have seven Vermeers out of the thirty-five. This will make eight; and, by Heaven, I envy you!

The new Vermeer is not absolutely his best; it is not so great and simple and strong as "The Milkwoman," at the Ryks; it is not so radiant as "The Pearl Necklace," at the Kaiser Friedrich Museum in Berlin; it is not so exquisite and miraculous a counterfeit of life as the "Girl's Head," at the Mauritshuis; nor so enchanting and epoch-making as the "View of Delft," in the same gallery. Those I take to be the artist's four finest pictures. But this new one is, I think, in his first dozen, and it is a shade more fascinating than the best of our London examples—Mrs. Joseph's "Soldier and Laughing Girl," although perhaps not quite so powerful, and it is vastly better than either of those in the National Gallery, which since I wrote in The Outlook has been enriched by the late George Salting's bequest.

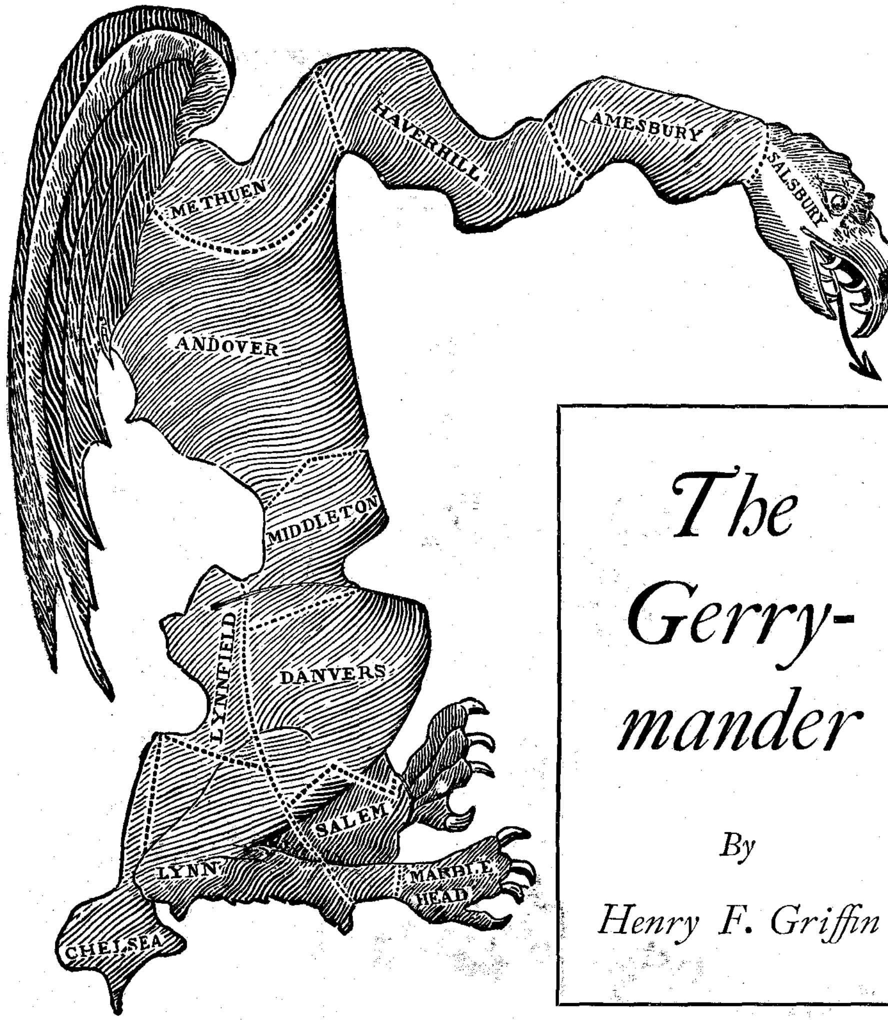
The new picture represents a woman: one of those placid domestic creatures to whom Vermeer's brush lent a radiance only a gleam of which many a Madonna of the Southern masters would have envied. How little can they have thought, these Delft housewives and maidens, that they were destined for such an immortality! She stands beside a table, as most of Vermeer's women do, and she has a jacket of dark-blue velvet trimmed with fur, and a white handkerchief over her head. The tablecloth also is blue; the curtain is orange. Standing there, she poises in her right hand a pair of goldsmith's scales. On the table is a profusion of pearls (painted with less miraculous dexterity than usual), and



A WOMAN WEIGHING GOLD. BY VERMEER OF DELFT COURTESY OF M. KNOEDLER & CO.

a tapestry rug has been tossed there too. Behind her placid, comely head, on the wall (where Vermeer usually places a map), a picture of the Last Judgment hangs, which may or may not be identifiable. (I should doubt if Vermeer introduced it with any ironical intention; that was not his way.) This picture is on a light-gray wall. The light comes, of course, from the left, and never did this master of light paint it—or educe it—more wonderfully. It triumphs through the window and curtain exactly as in "The Pearl Necklace," past the same black mirror. The woman's face, however, has the greatest luster; from it is diffused a lambency of such beauty that one might almost say that the rest of the picture matters nothing; such a soft and lovely glow were enough. The work is not signed, except with the signature of immanent personality.

Such is the new Vermeer—the thirty-fifth, according to Dr. de Groot's monograph, although in his account of his discovery in the "Burlington Magazine" for December he calls it the thirty-sixth. Either that is a misprint or he has still another surprise in store for us.



The Gerrymander

By

Henry F. Griffin

Do you know what a gerrymander is?

Do you know that by the practice of gerrymandering millions of voters have been disfranchised in the history of this country and that hundreds of thousands are to all intents and purposes disfranchised to-day?

Do you know that the gerrymander is such an efficient means of disfranchising the voter that in nine cases out of ten he does not even suspect that his vote has been stolen from him?

These are not merely academic questions. They are questions which bear upon a matter of very vital and present interest to every good citizen of the United States, Republican or Democrat.

Based upon the returns of the Census of 1910, the Legislatures of the States of the Union will reapportion their Congressional districts; that is, they will divide the area of the States into districts containing each the number of inhabitants which Congress decides upon as the unit basis of representation in the House of Representatives. On the face of it this would appear to be a comparatively simple piece of business, but it is just here that the opportunity arises for disfranchising the voter by means of the gerrymander, a practice so pernicious in its effect on our National political life that President Benjamin Harrison in his annual Message to Congress in 1891 assailed it in the following words: "If I were called upon to declare wherein our chief National danger lies, I should say without hesitation in the overthrow of majority control by the suppression or perversion of the popular suffrage."

What, then, is a gerrymander and the practice of gerrymandering?

Gerrymandering is the arranging of districts of representation by a political party in power so as to concentrate its opponents' majorities and scatter its own, thus giving itself small majorities in many districts and its opponents large majorities in a few districts. Districts so carved out of territory as to accomplish this result are said to be gerrymandered.

The practice may be graphically represented in the simplest possible terms in the accompanying diagrams. These diagrams represent a territory containing 30 voters—16 Republicans and 14 Democrats. Every five voters are to elect a Representative. The diagrams show this territory districted into, first, a Republican gerrymander, and then a Democratic gerrymander. It will be seen that by a little judicious manipulation of the district borders the party controlling the districting may elect an overwhelming majority of the Representatives, although the territory is approximately evenly divided between the voters of the two parties.

The gentle art of gerrymandering was probably first practiced as soon as some of our keen-eyed forefathers of colonial days realized the possibilities of gaining a decided advantage over their political opponents by manipulating the districts of the newly devised popular election system. Although the name "gerrymander" first came into general use following the barefaced partisan Senatorial districting of Essex and other counties in Massachusetts during Elbridge Gerry's administration as Governor in 1812, the practice then dubbed "gerrymandering" was already hoary with antiquity in America. We look upon William Penn as the greatest of colonial philanthropists and foremost advocate of the square deal, yet he was unwittingly the originator of the gerrymander in America when, seeking to give the rural districts proper representation, he worked injustice on the city of Philadelphia. Thus the first gerrymander sprang from an effort to equalize representation. The colony later went on record as attempting to undo the evil, but by that time the "bosses" were carving the colonies to suit their own ends and throughout the eighteenth century there were many instances of districting laws passed for partisan purposes.

Men like Washington, Jefferson, and others among the leaders of Revolutionary days were not unfamiliar with the ways and means by which a friendly vote could be turned to the best advantage, and many historians have maintained that in the first Federal election in 1788 Patrick Henry, bitter enemy of the Constitution, was not above using the gerrymander to prevent James Madison from entering Congress from Virginia.

If there is irony in the case of Penn, there is more in that of Elbridge Gerry, patriot, signer of the Declaration of Independence, member of the Constitutional Convention, Governor of Massachusetts, and Vice-President of the United States, and yet remembered by posterity because of what was probably the most unworthy act of his political career, certainly the smallest.

Massachusetts gave the name gerrymandering to the custom of districting a State for purely partisan ends, and while we know that the name was first used in 1812 following a Democratic victory under Elbridge Gerry and a new layout of Senate districts, we are not certain whose quick wit first turned the phrase or whose imagination drew the hideous "gerrymander." Nathan Hale, one of the editors of the "Weekly Messenger," is said to have drawn the geographical figure which appeared in his paper on March 6, 1812. It was copied by other newspapers, and at a dinner party in Boston, after it had been remarked that the district was shaped like some hideous animal, only wanting wings to make a political dragon, Elkanah Tisdale, a miniature painter, a poet, and a wit, sketched in the wings, and another guest, Mr. Alsop, suggested that it was a "gerrymander."

Another account, while giving the credit of the drawing to Tisdale, runs on to the effect that the "unsightly skeleton" was put on exhibition in a newspaper office and was there noticed by Washington Allston and James Ogilvie, a lecturer on oratory. Allston remarked to Russell, the editor, "What an odd-looking creature is this!

It looks like a salamander." Quickly Ogilvie spoke up, "Why, let it be called Gerrymander, for the Governor."

But the generally accepted explanation of the origin of the word and figure is the following, found in Buckingham's "Specimens of Newspaper Literature:"

> In 1811, when Mr. Gerry was Governor of the Commonwealth, the Legislature made a new division of the districts for the election of Representatives to Congress. Both branches had then a Democratic majority. For the purpose of securing a Democratic Representative an absurd and singular arrangement of towns in the county of Essex was made to compose a district. Russell took a map of the county and designated by a particular coloring the towns thus selected. He then hung the map on the wall of his editorial closet. One day, Gilbert Stuart, the celebrated painter, looked at the map, and said the towns which Russell had thus designated formed a picture resembling some monstrous animal. He took a pencil, and with a few touches added what might be supposed to represent claws. "There," said Stuart, "that will do for a salamander." Russell, who was busy with his pen, looked up at the hideous figure and exclaimed: "Salamander! call it Gerrymander." The word became a proverb, and for many years was in use among the Federalists, as a term of reproach to the Democratic Legislature, which had distinguished itself by this act of political turpitude. An engraving of the "Gerrymander" was made and hawked about the State, which had some effect in annoying the Democratic party.

R	D	D	R	R
R	R	R	D	D
D	R	R	D	R
D	R	D	R	D
R	D	D	D	R
R	R	D	D	R

R. REPUBLICANS D. DEMOCRATS

THIS DIAGRAM AND THE TWO ON THE PAGE OPPOSITE REPRESENT A TERRITORY CONTAINING SIXTEEN REPUBLICANS AND FOURTEEN DEMOCRATS—A TOTAL OF THIRTY VOTERS IN A TERRITORY TO BE APPORTIONED INTO DISTRICTS OF FIVE VOTERS, EACH DISTRICT ELECTING A REPRESENTATIVE

Buckingham was, however, mistaken in at least two details of the affair, for the Act was passed in 1812, a year long famous for unjust redistricting, and the districts were for State Senator, and not for Congressional Representatives. The Act in question was passed by the Legislature of 1811 at its second session, which began in January, 1812. The bill passed the Senate on February 4, the House on February 7, and was signed by Governor Gerry on February 11, 1812.

The gerrymander from which the practice takes its name divided Essex County as shown in the map on page 186.

Mr. John Ward Dean has written in the "New England Historical and Genealogical Register" that he had been told by George G. Smith that the first cut of the gerrymander was made in a shop in which Smith was an apprentice learning the trade of an engraver, and that Smith showed him a cut on his wrist which he had made by his graver slipping when he was doing rough work on the metal cut. The picture appeared in the Boston "Gazette" on March 26, 1812.

A Republican newspaper, commenting upon the picture, remarked that the Federalists had drawn an accurate likeness of themselves, but had misnamed it the Gerrymander when it should have been the Federal Gander, as none but geese would have resorted to such a paltry and foolish expedient.

It will be noticed that the space between the wings and the back or west boundaries of the counties of Andover, Middleton, and Lynnfield forms the outline of the face of a man, ass, or demon, according as one lets his imagination run. Federalists gave the ownership of the face to Governor Gerry.

A large broadside published in 1823 gives a history of the gerrymander of 1812, and, after reciting the selfish and barefaced way in which the Republicans ran in the face of nature's plans, continues:

> The Gerry-Mander did not disappoint the expectations of its fond parents. The election of Senators in 1812 took place under the Gerry-Mander law, and the result was that twenty-nine Democratic and only eleven

Federal Senators were chosen. On the same day the Federal candidate for Governor was chosen by a handsome majority; and, what is more remarkable, such was the malignant influence of the animal of which we are giving the history, that it required fewer Democratic votes to choose the twenty-nine Democratic Senators than were actually given to the Federal candidates, of whom only eleven were chosen.

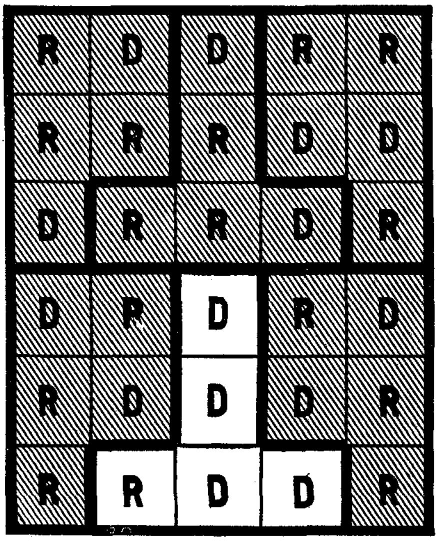
The whole number of votes given for Senators was 101,930, of which 51,766 were given to the Federal candidates, and 50,164 for the Democratic candidates, making a Federal majority of 1,602 votes. Yet the Democratic minority, with the help of the Gerry-Mander, outvoted the Federal majority almost three to one—that is, so as to constitute a Senate of 29 Democratic and 11 Federal members.

In the spring elections of 1813 the Federalists won in the gerrymandered district, and the next day the "Salem Gazette" appeared with a picture of the gerrymander in the form of a skeleton, and said:

> We announce in our paper of to-day, we confess with no great regret, the Death of that far-famed and ill-begotten Monster, the Gerry-Mander. This delicate monster has been pining ever since last November, when he terribly strained himself in attempting to swallow one of his parents. But regardless of the consequences of that wicked and injudicious attempt, he yesterday made another most desperate effort to swallow Three of his nearest relations, and immediately expired in the most agonizing struggles—a loud warning to all his relations in this and the neighboring States.

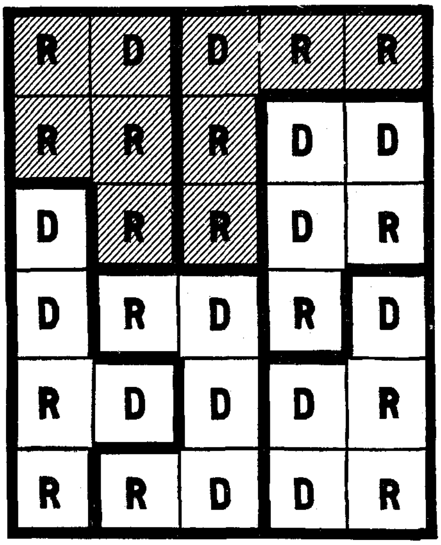
But the gerrymander was not dead. In fact, this nocuous system, this gigantic treason to the spirit of freedom, in which the American people had taken such pride, was just coming into its fullest development. It was to deprive the country of the services of many great legislators, who, retired from Congress by the overthrow of their party, were singled out as victims, discriminated against, their suffrage perverted, their majorities overpowered, their district lines made into crazy-quilts by selfish opponents who, wishing to end their careers, worked destruction under the guise of apportionment. Many a good servant of his country has been gerrymandered into retirement, for the system has full play under our demand that the Representative be the servant of the entire country; his tenure of office is put on the will of those gathered in a limited section. The gerrymander was yet to be compared to the rotten boroughs of England, with which it had many points in common. At its height it was to be adopted in European countries, Switzerland and France using it to a considerable extent. Wherever the election district was used one came to expect to find the gerrymander; and while it languished during the "era of good feeling," it was revived with the first rumblings of trouble in the middle twenties, when party lines were being reformed.

Sixty years ago the practice had come



A REPUBLICAN GERRYMANDER

Territory divided into Districts so as to give five Republican Representatives and one Democratic Representative



A DEMOCRATIC GERRYMANDER

Territory divided into Districts so as to give four Democratic and two Republican Representatives into such disrepute that Congress sought to overcome it by passing a law forcing the State Legislatures to limit the size of districts designed for the election of Federal Representatives. Single-member districts have been established ever since; yet twenty years later a United States Senator in the Senate Chamber announced that in his belief no State had in the past ten years escaped a dishonest apportionment. The contiguous-territory clause was put through at this time too, and a real effort was made to clean up. Yet the gerrymander continued to thrive, though several times public sentiment has overthrown it in certain localities. As for the parties, they are content to let well enough alone, knowing that what one side loses in one district it will make up in another. There was, however, a "squeal" in the celebrated Wisconsin gerrymander of 1891, when the courts went to the defeated side's rescue.

Many a minority has been kept in power for years through the work of an expert gerrymanderer. When the Republicans were through with Ohio after the Census of 1880, a Republican vote was equal to three Democratic votes, but the districts didn't make the State look any more like a crazy-quilt than it does at present. In Indiana in the early nineties the Democrats managed to make one follower of Jefferson stand off five advocates of the Hamiltonian system. South Carolina's counties cut a small figure when "statesmen" were redistricting the State in 1890, when the contiguous-territory law was stretched to the limit. The history of apportionment and redistricting contains many an odd division of Federal voters—spoils, we may say. On this point James Bryce, in the "American Commonwealth," has written this of the gerrymander's results:

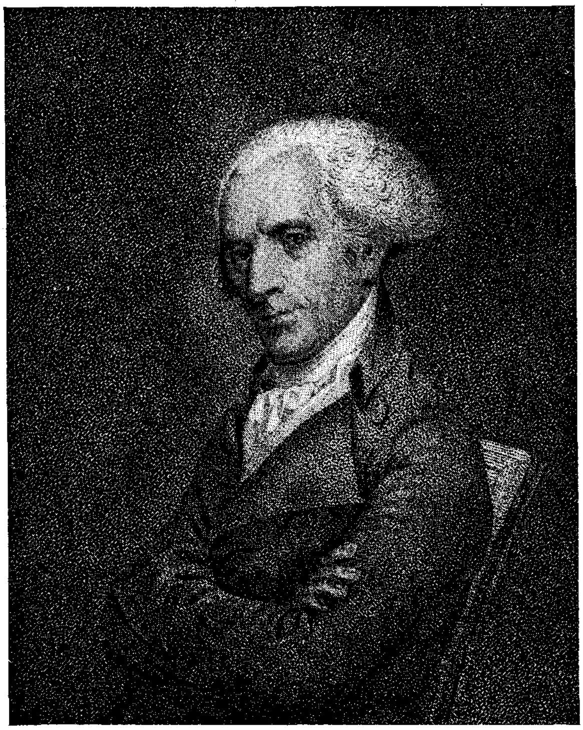
> There is a district in Mississippi (the so-called Shoe-String district) 500 miles long by 40 broad, and another in Pennsylvania resembling a dumb-bell. South Carolina furnishes some beautiful recent examples. And in Missouri a district has been contrived longer, if measured along its windings, than the State itself, into which as large a number as possible of the negro voters have been thrown.

Of course the negro has, since the Civil War, been the live issue in gerrymandering in the South.

Admitting that under the present election system a large minority may not secure a single Representative, though the apportionment has been fair and just, yet it remains that unless nature has distributed the majorities evenly throughout the State we are justified in raising a cry against the note if one side has heavy majorities in a gerrymander. For certain proof we must few districts and the other side light majorities in many. If the population and vote in the various districts differ widely; if county lines are unrecognized, or counties are plainly taken from their natural districts and put in those which distort their geographical position and strain the contiguity law, then we may be certain that the gerrymander has been at work. When, as sometimes happens, we find that a party having a clear majority of the votes of a State has elected a minority of the Representatives by large majorities, we may be certain that that party is grinding its ax to strike back, for its opponents are reaping the fruits of a gerrymander.

No gerrymander, of course, can be made until a party has control of the State Legislature. It has been charged that the Democratic party has been more given to gerrymandering than the Republicans, and that in many cases Republicans had gerrymandered merely to offset Democratic apportionment. The merits of this charge we shall not discuss. We know that neither party has had reason to be proud of its record in handling the suffrage of that much-debated State Ohio. Trouble began in the Civil War when the Republicans overthrew a Democratic apportionment, a matter discussed by James A. Garfield in Congress in 1870 as follows:

> When I was first elected to Congress in 1862, the State of Ohio had a clear Republican majority of about 25,000; but, by the adjustment and distribution of political power in the State, there were fourteen Democratic Representatives upon the floor, and only five Republicans. The State that cast a majority of nearly 25,000 Republican votes was represented in the proportion of one Republican and three Democrats. In the next Congress there was no great political change in the popular vote of Ohio—a change of only 20,000—but the result was that seventeen Republican members were sent here from Ohio, and only two Democrats. We find that only so small a change as 20,000 changed their Representatives in Congress from fourteen



ELBRIDGE GERRY

From the portrait by Vanderlyn

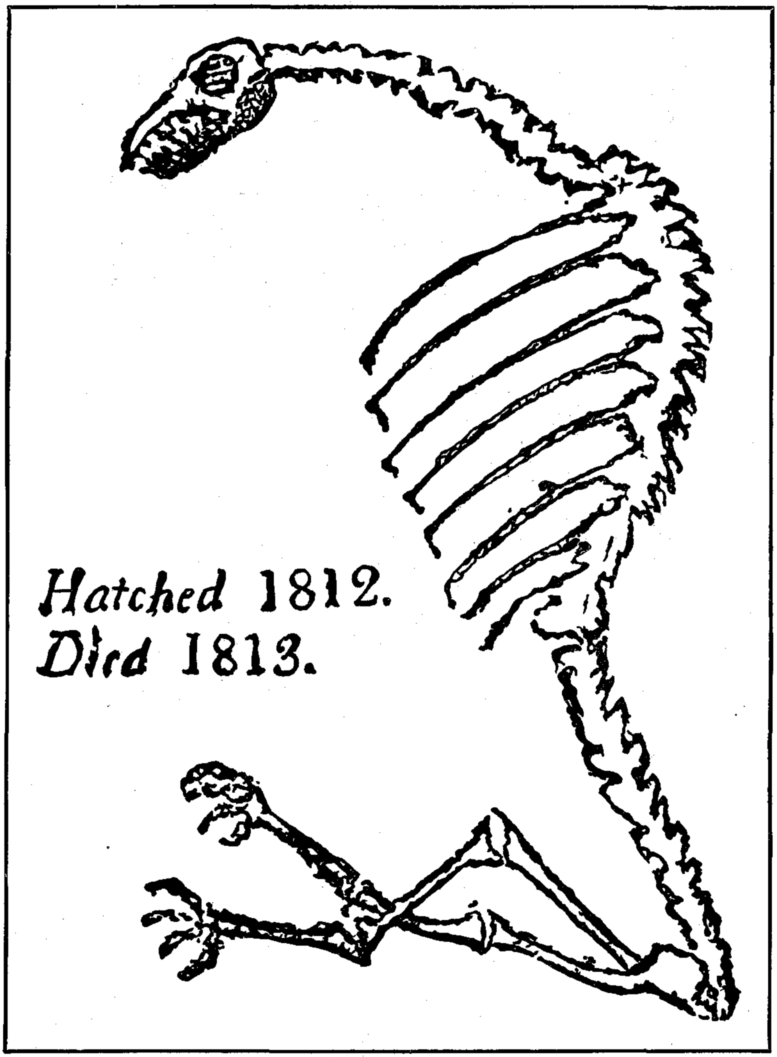
Democrats and five Republicans to seventeen Republicans and two Democrats.

Now, no man, whatever his politics, can justly defend a system that may in theory, and frequently does in practice, produce such results as these.

Ohio remained in the hands of Republicans until 1876. Once in power again, the Democratic party promptly established the district lines to suit itself, and the State, like all others giving close election returns, has since been "worked" for all it is worth. In Indiana, under a Democratic gerrymander in 1888, thirteen districts with a total Republican majority of 5,378 votes returned but three Republican Congressmen. The Republican majorities in the three districts were 9,122, 4,450, and 1,156. The highest majority among the ten Democrats was 3,076, next highest 1,884, and the lowest 20. Such a case as this can be found on many a State election sheet.

This, then, is a brief and somewhat incomplete account of some of the more notorious instances of gerrymandering. It would be impossible in an article of limited scope to give more than the barest outlines. Volumes have been written on the subject. The recent bitter fight in New York State over the apportionment of 1905 has not been touched upon. The apportionment of 1907 is still in the courts. But enough has been set forth to make it plain that the apportionment of Congressional and State Assembly and Senatorial districts should be a matter of the utmost concern to every good citizen, and well worthy patient study. The foregoing account has been limited almost solely to the gerrymandering of Congressional districts, but the evil is equally great in the districting for practically every elective office throughout Nation, State, county, city, town, and ward. The average intelligent voter's ignorance of the subject is amazing. Most "practical politicians" would probably be surprised to know how little the average voter knows about gerrymandering. The practical politician thoroughly understands the business—needless to say.

Two instances may be cited to show how vital the issue of gerrymandering is both at present and in the near future. When Ezra P. Prentice, Chairman of the


Hatched 1812.
Died 1813.

THE GERRYMANDER AS IT APPEARED IN THE SALEM "GAZETTE" IN 1813 AFTER THE SPRING ELECTION

New York State Republican Committee, sent out an appeal for funds during the recent campaign, his circular letter contained the following significant words:

> The election is unusually important; . . . the election of the Democratic ticket will enable the Democrats to redistrict the Congressional districts so that for the next ten years twenty-five Congressional districts will probably be Democratic, instead of twelve, as at present; and Democratic success this year will probably give the vote of New York to the Democratic candidate for President in 1912.

In other words, it is taken for granted that the party victorious at the polls will gerrymander the State in its own favor at the earliest possible day.

The newspapers on November 28, 1910, contained the following despatch from Washington:

> Leaving to one side the question as to whether or not States may gerrymander their territory for Congressional districting purposes, independent of limitations by Congress, the Supreme Court of the United States to-day dismissed, for want of jurisdiction, the appeal from an attack on an alleged gerrymander in Kentucky.

What the voter is going to do about gerrymandering is not an easy question to answer. Election districting is an extremely complex business, in spite of the first impression that it should be a very simple affair. The matter will be before the Legislatures of every State in the Union in 1911. The Nation's political conscience has shown many signs of a reawakening in the past few years. It may be that a widespread protest against gerrymandering will be heard when the legislators juggle with majorities to retain the dominant party's sway in every State. Both of the great parties have been equally guilty in the past, and probably will be in the future. But the wave of political morality which has recently swept the country has been curiously non-partisan for the most part. The weight of public opinion can accomplish and has accomplished marvels in this country, and once let the great bulk of the voters understand how they are cheated out of their votes, and there is likely to be a storm of protest which would put an end at least to the more barefaced cases of gerrymandering, instances of which can be found in almost every State in the Union.

In the past, most apportionment Acts have been passed without any considerable manifestation of public interest. Election districting is a somewhat technical subject, and the average voter has seldom been willing to give the time and study necessary for an understanding of the districting even of his own locality. He leaves it to the politicians, and the politicians have plenty of time and know that it is well worth their while to make an earnest study of majorities in relation to election districts. When their opportunity comes, the result is the gerrymander, and the voter who "hasn't time" has only himself to blame if his vote has been stolen from him.

As in the case of so many ills in our body politic, the most promising remedy would appear to be publicity. If the non-partisan press and organizations working for clean politics would undertake a campaign of education while the apportionment acts are pending in the various State Legislatures, if they would bring before the eyes of the voters maps of the districts, present and proposed, calling attention to obvious examples of gerrymandering and significant majorities—in other words, if the great mass of the intelligent, honest voters could once be made to understand how they are tricked—the legislators would be likely to hesitate long before juggling with the suffrage. Locking the stable door after the horse has escaped is a popular but rather futile form of energy, and the time for action is while the apportionment bills are pending in the State Legislatures and before they become laws. It is well to remember the fruitless results of many long fights in the courts against notorious gerrymanders.

In this Congressional apportionment year I suggest for the consideration of voters the following little political catechism:

How many Representatives did each of the parties elect in my State last autumn?

What was the total vote for Representatives cast by each party in my State?

How many voters of each party did it take to elect a Representative?

Are the borders of the Congressional districts in my State extremely irregular?

What Congressional district do I live in?

Are the borders of my Congressional district extremely irregular?

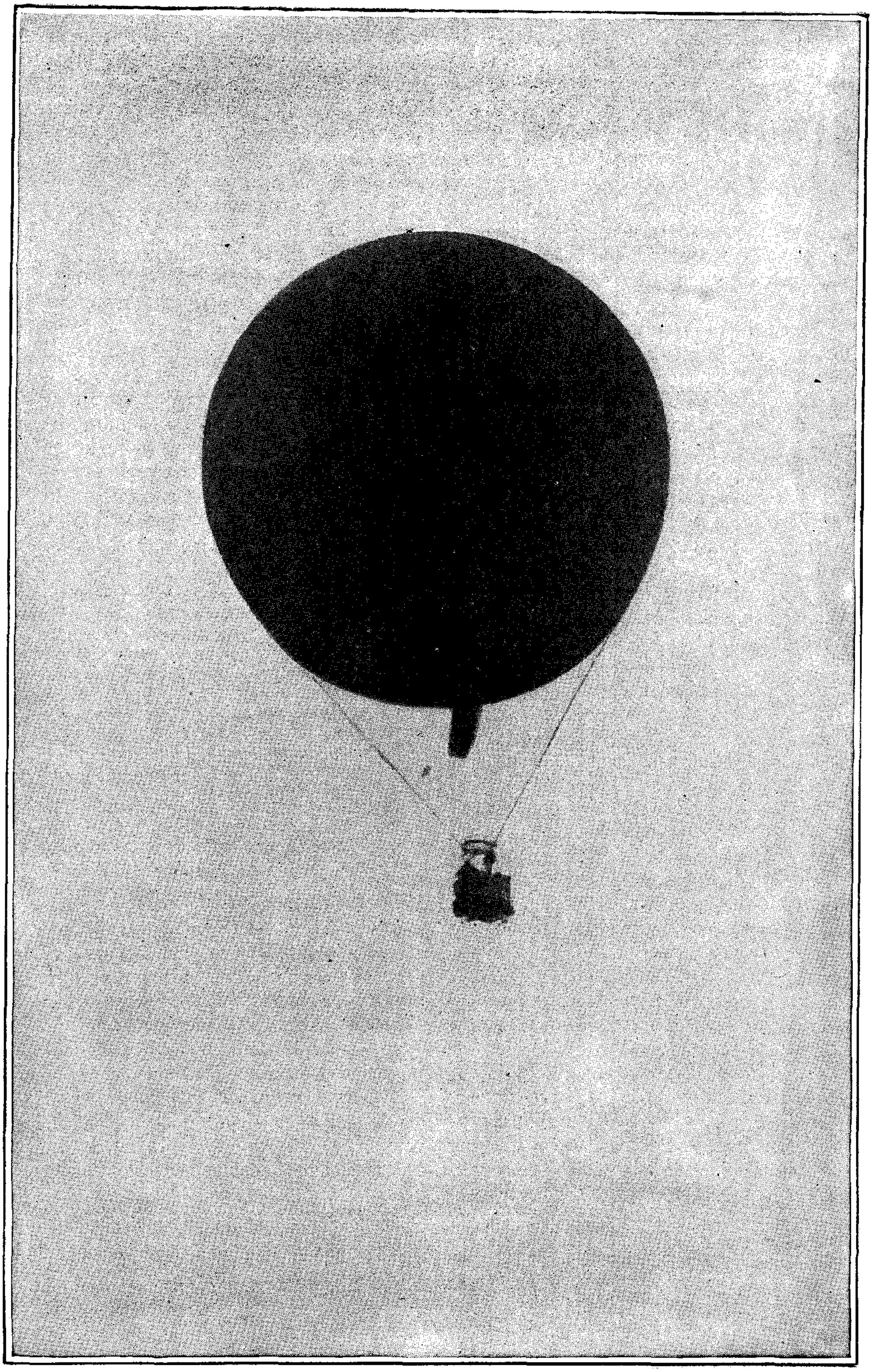
Do I live in a gerrymandered district?

If I live in a gerrymander, what is the State Legislature going to do with my Congressional district in this year's apportionment?

What am I going to do about it?

The election statistics may be obtained in any comprehensive annual almanac for this year; the maps for the entire country are contained in the Congressional Directory. Both statistics and maps for your State and county should be accessible at your party's county headquarters.

The apportioning of the Congressional districts in 1911 is close upon us. If the voters are in a mood to protest, let the State legislators hear from their constituents.



OUR NOISELESS FLIGHT

Through the Air at a Mile a Minute

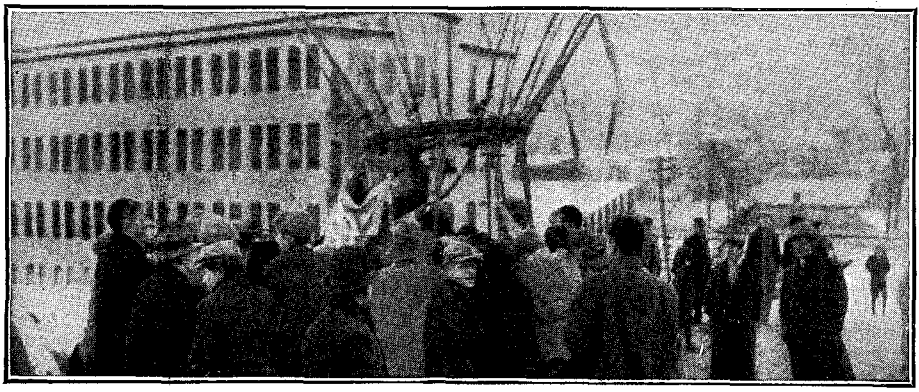
By H. Percy Shearman

NOVEMBER the nineteenth was the day set for the début into the aerial world of the Williams Aeronautical Society. Aeronaut Leo Stevens had kindly placed at the disposal of the society his eighty-two-thousand cubic foot balloon, the Cleveland, with his services as pilot, for the maiden trip of the club.

The Society was represented in the basket by R. O. Starrett, of New York; K. T. Price, of Chicago; George G. Ernst, of New York, and myself.

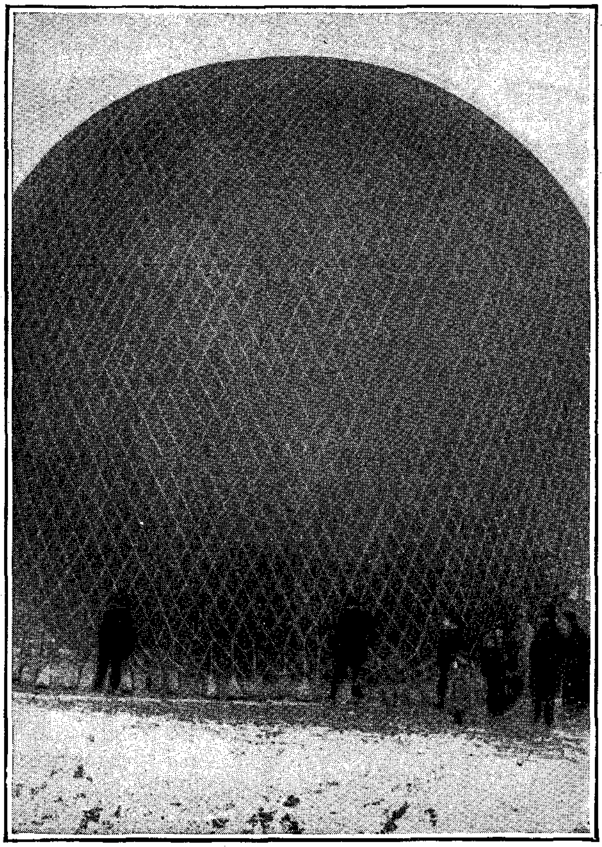
When I sprang out of bed at 6:30 on the eventful morning, I at once made for the window to observe the weather. A strong northwest wind was blowing the snowflakes fast and straight along the main street of North Adams. The hills which lined the valley were completely obscured by heavy snow-clouds. A few factory hands were hurrying to their work with bent heads and turned-up coat collars. It was truly a wild morning for an aerial trip. We had, however, been keenly anticipating this event for the past three weeks, and were determined to go, hail or shine. Fortunately for us, we had a pilot who was as keen for the air as we were, who was game to the backbone, and, more important still, as after events proved, one who had an abundance of experience to draw from in times of emergency.

On arriving at the grounds, where we had laid out the balloon the night before, we saw the gas company's men already at work sweeping the snow off the coverings. At 7:30 the gas was turned on, and the limp, flat mass of linen and silk began to rise from the ground as if suddenly imbued with life. At first nothing but a few blister-like mounds, which gradually filled out to a low, dome-shaped mass, then slowly and silently, as if a living thing growing into being, the huge Cleveland rose from the ground, tugging impatiently at the ring of weighty sand-bags which seemed like an army of grooms holding on to the monster steed till her master was ready to fly with her on her aerial ride. The wind was blowing in strong gusts, and the huge balloon, towering up above us, plunged around like a gigantic bucking broncho as we endeavored to hitch on the car. Luckily we had about a hundred fellows from college to hold her down, or we never would have got away. She gave these men for over an hour a rougher grueling than ever they had experienced on the gridiron. First she would carry them this way and then that, as if they had been so many puppets, throwing them off their feet, sweeping them before the basket like so much chaff, or bowling them over like so many ninepins. One man, knocked down under the basket, was badly trampled before he could be extricated. Collars were torn off, caps trodden under foot, and, in spite of the cold, beads of perspiration stood out on their faces. But, fortunately for us, they held on like grim death till, having adjusted the ballast to a nicety, and waiting for a

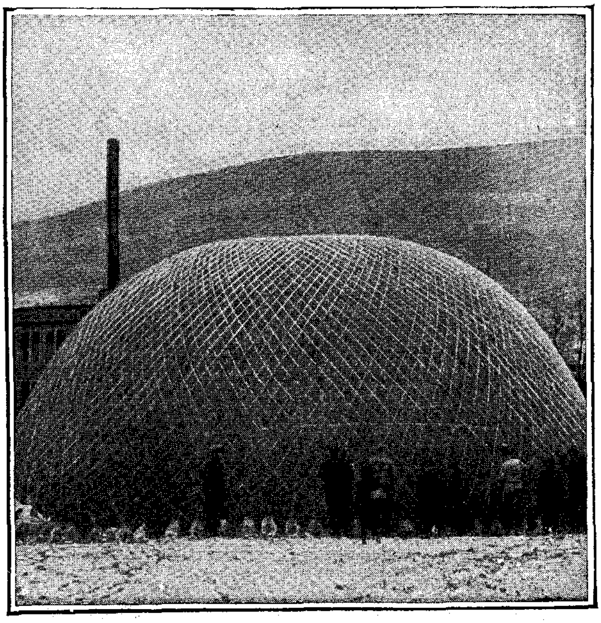


A GROUP OF COLLEGE FELLOWS HELD HER DOWN favorable moment when the huge, swaying sphere was veering to windward, Pilot Stevens gave the word to let go. With a yell from the panting crowd, we shot up, taking a slanting direction as the wind caught us, narrowly missing the chimney of an adjacent house.

Never will I forget the magnificence of the view that burst on my sight as we mounted up; burst is the only word to describe it. One second we were on the ground, the next soaring over the city, with the balloon grounds nothing but a patch beneath us covered with black specks. It was the very suddenness with which we were launched into the upper air that rendered the encircling view beneath us so striking. This vast panorama of house-dotted valley flanked by tier after tier of snow-clad hills, in such striking contrast to the puny views of earth just left behind, literally took my senses by storm. Like one from whose eyes the bandage has suddenly been snatched did I gaze down at the bewilderingly magnificent vista stretched out beneath. The last time I had viewed these Berkshire hills from the basket was on a beautiful evening in June. Then the hills and valleys had been clothed in mossy green. The song of a robin floated up from the leafy depths beneath, accompanied by the merry piping of the frogs engaged in their evening concert. Now all was changed. Not a speck of green was to be seen. The rugged hills and flattened valleys seized in winter's icy grip were now white, interspersed here and there with dark patches of



THE MASS BEGAN TO RISE

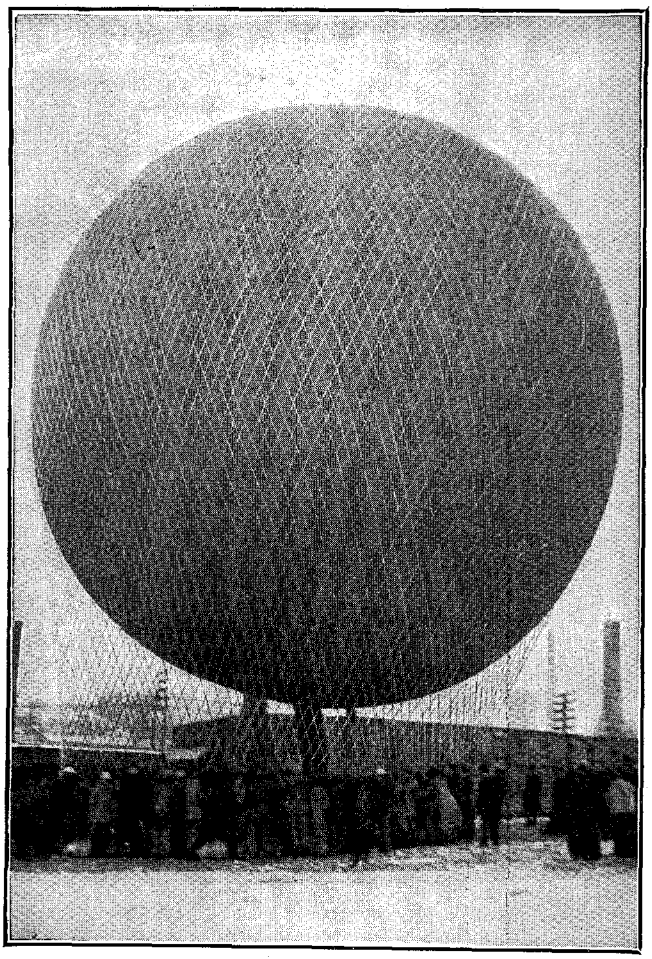


THE FIRST HALF-HOUR AT THE GAS PLANT

bare woods or jutting rock. Mother Earth had laid aside her summer robes of green and donned her winter furs of snowy ermine. Yet that same touch of the infinite was present.

Suspended ten thousand feet in midair, leaning over the side of the basket, one sees the earth stretched out beneath like a rolling ocean, knowing no limit but that of human vision and seeming to melt into one with the lowering arch of the vaulted heavens. Unless one has actually hung beneath the gas-bag noiselessly floating betwixt heaven and earth, and with his own eyes has striven in vain to fathom the infinite blue of the ether ocean above, and trace that far-away mystical region where earth ends and sky begins, as the historian gazes into the dim ages of the past to distinguish betwixt shadowy tradition and concrete history, he will scarcely be able to conceive the stupendous grandeur of such a scene as we beheld at this moment.

This is one of the things that make ballooning the king of sports. It is an exhilarating sensation to be comfortably ensconced in a large touring car, speeding along over a level stretch of road—granted, of course, an absence of bicycle cops. But to float over the world in a balloon, passing over rivers, valleys, cities, and mountains as if they never existed; to leave the earth behind in the ever-deepening abyss of sheer space; to mount up even into the very midst of the blue of the vaulted heavens, with the clouds spread out beneath, white with reflected light; to have nothing above but the eternal sun, and only the wandering winds as companions; to be taken up thus to the pinnacle of Nature's temple and see her kingdoms stretched out beneath, inspires one with such a feeling of exaltation as is hard for any one not having experienced it to conceive.

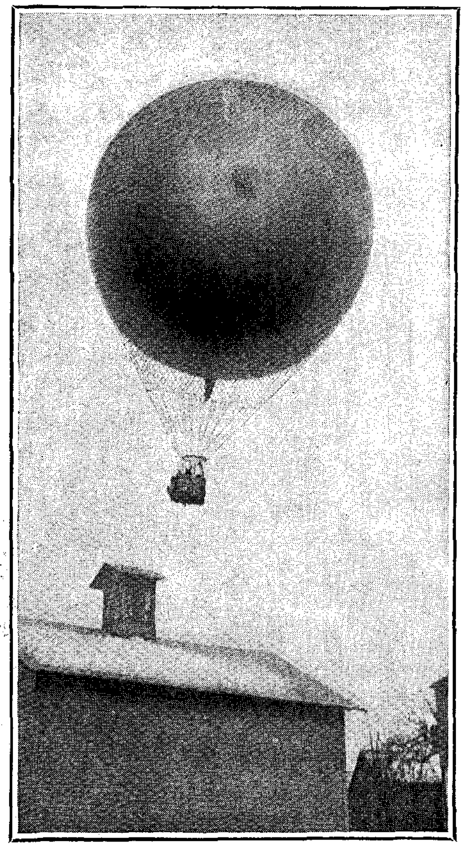


SILENTLY THE MASS GREW INTO BEING

But there are other occupations on a balloon trip than contemplating the scenery. We were soon busy with map and compass in charting our course. By means of the compass we got our general direction, southeast, and located our course on the map. We made our "get-away" from North Adams at 10:40 A.M. At 10:55 we sailed over Charlemont with our barograph registering an altitude of 7,500 feet, having covered the distance of twenty-one miles in fifteen minutes, which gave us a mean speed of eighty miles an hour. Before starting Professor Milham, of the Department of Meteorology and

Astronomy at Williams, had estimated the upper air currents to be traveling at 110 miles per hour. Allowing one-third for the slip of the balloon on the air, the upper stratum in which we were sailing must have been going at about 120 miles per hour. At 11:40 we sailed over the Connecticut River at an altitude of 6,400 feet, and were caught by a descending southerly current which carried us down the Connecticut Valley. The river beneath us, reflecting the sun, wound in and out like a silver-colored snake till lost in the distant mist. We passed over Amherst with the barograph recording 5,000 feet. Professor Todd, on seeing us, ran to the observatory, but before he could train a telescope on us we had vanished in the clouds.

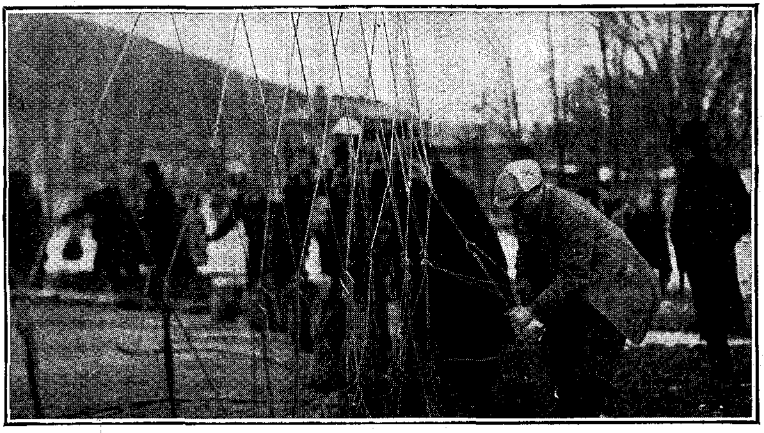
Ahead of us was the Holyoke Range, which runs at right angles across the Connecticut Valley at this point. The low current of air in which we had been traveling straight down the valley was deflected upward by this mountain barrier, and we rose from 2,500 to 7,250 feet, where we regained our old stratum and continued our journey toward the southeast, passing Ware at an altitude of 6,900 feet at 12:38. With a perfect equilibrium and everything going smoothly, we turned our attention to the inner man. Bob Starrett, head of our commissariat department, regaled us with an aviation lunch consisting of biplane sandwiches washed down with balloon rickeys. About this time a huge mass of clouds sailed along a thousand feet beneath us, completely shutting out our view of the earth. Their advancing crests, iridescent with rainbow hues, appeared like the advance guard of an invading army. And there, with every rope distinctly outlined on the white surface of the clouds beneath, surrounded by a rainbow-hued halo, was the shadow of the Cleveland, like some phantom balloon, following us along. The clouds below were speeding in exactly the opposite direction to ours, indicating another stratum of air bound northwest. Later, descending into this current, we were carried nearly fifty miles out of our course, but, regaining the upper stratum, we proceeded in our original direction, southeast.


THE START

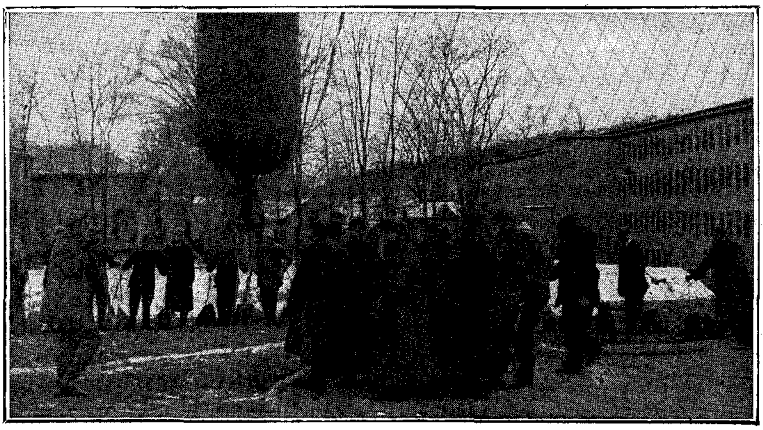
A balloon is the place *par excellence* to study meteorological phenomena. The existence of these huge air currents, moving at different speeds, in different directions, and of varying temperatures, provides abundance of opportunity for scientific observation. Mr. Price, by means of the barograph and a ventilated thermometer, was able to gather some interesting data concerning the real air temperature and the vertical temperature gradient. The study of the upper air is a most fascinating one. Here is Nature's laboratory, within which she conducts experiments with the fundamental principles of physics on a colossal scale. The man in the street, when gazing up into the clear and apparently still atmosphere, can hardly be aware of the constant change of conditions, due chiefly to temperature variation, that is continuously occurring in the belt of atmosphere surrounding the earth. Yet in reality the upper air is a vast arena of struggling winds and battling air currents.

Convection currents rising from the warmer spots of the earth set the surrounding air into circulation. Here exist in the higher altitudes those immense wind tracts, thousands of miles in extent, some blowing in the same direction year in and year out age after age, others varying with the changing seasons. Wandering cyclones, with their areas of low pressure often a thousand miles in diameter, traverse the upper regions like fabulous monsters seeking their prey. Over the warmer oceans the destructive tornado whirls itself into being, and, lashing itself into a frenzy of fury, rages through its trackless way, leaving a trail of ruin behind it. So-called air-holes, caused by the rarefaction of the atmosphere in the center of a whirl formed where two or more swiftly moving currents meet, constitute one of the perils of aerial navigation which it was our lot to encounter.

We were drifting serenely along, with a perfect equilibrium and the barograph recording an altitude of 9,750 feet. Suddenly Pilot Stevens, on examining the statoscope, discovered that we were descending rapidly. Out went a bag of sand, quickly followed by a second. Even this extravagance failed to check our headlong descent. We gained velocity every second. I felt a peculiar buzzing in my ears. At the hurried command of our pilot we lifted eight bags of sand from outside the basket to be ready for instant use. The huge balloon was being whirled around like a feather. The sand, instead of falling, went up. Looking over the edge of the basket, I found we were still falling at a terrific speed, with the ground only a few hundred feet below. Then in a flash we were seized in the grip of the lower wind, which, fortunately for us, was blowing a gale. Down we sped,



ADJUSTING THE SAND-BAG ROPES



THE HUGE BALLOON TOWERING UP ABOVE US

now in a slanting direction towards a forest. Trees flew by underneath us with lightning rapidity. In another second we were crashing through their tops, hanging on to the life ropes inside the basket. Over the forest we went at about sixty miles an hour, banging from tree to tree, smashing branches right and left. For the space of two minutes we were jolted and bumped, with the basket tilted at all angles. Then once again we rose into the upper air almost as rapidly as we had descended a few moments before, and passed over the State line between Massachusetts and Rhode Island, at an altitude of 11,500, the highest attained on the trip.

We were traveling southeast, headed directly for Narragansett Bay, which we could just discern about thirty miles ahead. Soon Providence crept up beneath us. We could plainly distinguish the white dome of the Capitol from the irregular mass of dark specks which constituted the city and its environs.

I was thankful it was now day, for right ahead beneath us were the blue waters and irregular shore line of Narragansett Bay. The wind, too, was veering south, direct for the open sea. With sand almost gone and the sea ahead, it was high time to effect a landing. The country below was thickly wooded and not very favorable for our purpose.

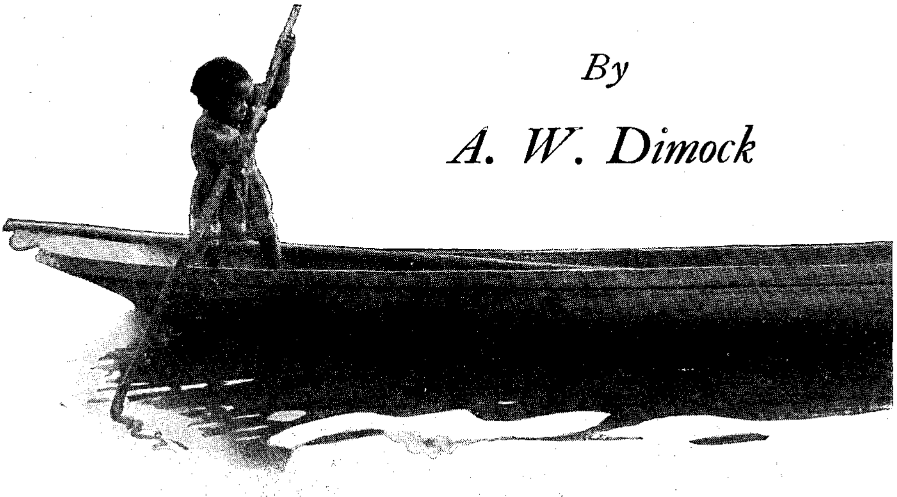
Perhaps the most trying period of a balloon trip is just previous to the downward swoop for landing. When once you begin to descend, things happen fast and there is too much to do to feel nervous. It is just that period of waiting that is apt to get on one's nerves, when, dangling about 10,000 feet in the air, you begin to wonder just how hard you are going to drop through such a giddy space. As Pilot Stevens tightened the valve cord, we heard the huge sphere above heave a sigh as she parted with some of her precious life spirit. Down we swooped like a hawk till within a few hundred feet above the ground. Then I heard the wind roaring ominously through the trees eight hundred feet below, and I knew we were in for a rough landing. We had one hundred men to help us start in a wind not nearly as strong as the one roaring beneath us like some hungry beast of prey; now we hadn't a soul to assist us. Down we came till we were caught by the full force of the surface gale, which swept us over a small lake with our trail rope just dragging the water. For a minute I thought we would land in the lake. Out went the last bag of ballast, followed by our two life-buoys and everything else of weight we could lay hands on. Yet, when we came to the edge of the lake, we were only thirty feet above the ground, traveling forward at fearful speed, with trees streaking by underneath us. Pilot Stevens pulled the rip cord, at the same instant shouting to us to hang on to the ropes. The basket crashed to the ground, ripped half open, filled out like a huge sail in the powerful breeze, dragging us along behind at a fearful speed. I would just as soon have been hooked behind the Empire State Express, with the basket banging over the ties. We were being dropped at about fifty miles an hour over a rough, scrubby, boulder-strewn ground. On we went, our basket smashing down trees and fences and we inside hanging on for dear life. Then came a sickening crash. When I came to, I was lying on my back near a large quartz boulder. The skin was torn from my hands where they had been dragged from the ropes, my head was bleeding freely, and the first thing I did was to bend my body round to be sure my back was still intact. I looked for the balloon, but it was nowhere to be seen. Half dazed, forgetting for a moment that the rip cord had been pulled, I imagined that the balloon, lightened by my being pitched out, had been carried out to sea; for one fearful moment I feared my companions had been carried to their death by my carelessness.

Half frantic, I followed the trail of the dragging basket over a broken barbed-wire fence, across a plowed field, through a stone wall, and then, to my intense delight, I saw the great bag stretched out limp and still on the ground. Leo Stevens first appeared back in my direction, having just discovered that I was missing. All were bruised and shaken, but none was injured. On examining our log, we found that we had covered a distance of 225 miles in 210 minutes, an average speed of a little over a mile a minute.

A Despoiled People

By

A. W. Dimock



With Pictures by Julian A. Dimock

THERE are at bay in the swamps of Florida, the last refuge to which they can retreat, the descendants of that Osceola whose just defiance of the United States was as heroic an act as history records. Among them are those who propose to defend and, if need be, die for their homes.

It is all too pitiful. A sheriff's posse can follow the trail of these possible belligerents to their shacks in the Everglades and shoot them down, at the sacrifice only of the lives of a few of our citizens and—the honor of the Nation.

Business will not be disturbed. The daily journals will give the tragedy about half the space devoted to a balloon ascension. But another chapter of shame will be added to the record of our treatment of the Seminoles.

Less than a century ago the substantial habitations of these people, surrounded by well-tilled fields, extended for two hundred miles across the State of Florida. Then, harried and hunted by our forces under General Jackson, their houses and villages were destroyed and they were driven from their homes. Force proving costly, this simple-minded people was tricked by treaties that one blushes to read. There was an open treaty with chiefs purporting to represent the tribe, and a secret one with chiefs as individuals. Paltry as was the compensation promised by the Government for the surrender of a vast territory, it was never paid. Protests by the Governor of Florida and by Colonel Humphries, the Government's own agent, were ignored. The full text of the infamous treaties may be found in Sprague's "History of the Florida War."

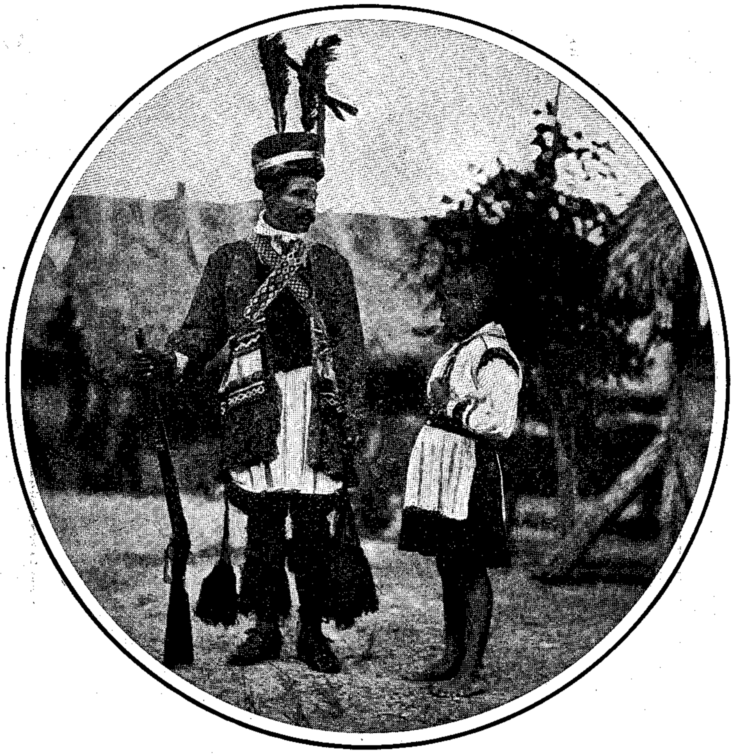
South, and again south, we have pressed these people. We have hunted them through their own swamps and driven them to hide in the grass like rats. We have made the United States their traditional foe, the bogie of childhood and the dread of maturity. The visitor to their camps in the swamps may now confront rifles leveled in the fear that he is an official of the Government.

There are three hundred Seminoles in the Everglades and the Big Cypress Swamp. As our countrymen have crowded them, they have retreated into the swamps from the land to which they hold the first title. They have been driven into the last ditch, and that last ditch is being drained by our people.

No Indian title to the land he occupied

was stronger than that of the Florida Seminole. Yet his alone has been ignored by our Government and people for generations. Now, as he poles his heavy canoe through the bit of wilderness left him, there comes to his ears the whistle of the locomotive which is bringing hordes of land-seekers to his door, and his eyes rest upon big dredges with which the State of Florida is draining away his water domain. His home is being exploited by great companies, and people by tens of thousands are paying millions of dollars for slices of his heritage. Speculators, promoters, and agents wax fat on the sale of his lands. Uncounted families will prosper through cultivating them, and thousands of homes of an alien race will be built on the wreck of his. The Seminole of Florida stands in the path of our people, who covet his land, but we can brush him aside as easily as an automobile can run over a baby.

We have denied all rights of these people and taken their heritage by brute force, without pretense of compensation, in violation of law and defiance of justice. To a wrongful policy, long continued, we are in the way of adding inhumanity. In their shrinking domain these Indians are realizing the condition of Poe's prisoner within iron walls that contracted daily. Already their food is insufficient and famine not impossible. Egret plumes are contraband, and, besides, the birds are nearly extinct. Otters are very, very scarce. White hunters have slaughtered the deer, and little stands between the Seminole and starvation but the few remaining alligators.



"OUR HOST WORE HIS CEREMONIAL COSTUME"

I know a Seminole family of twelve members, eight of whom are children and three women, all dependent for support on the labor of one Indian. Of the eight pickaninnies five are orphans adopted by this redskin humanitarian and supported out of his meager earnings. He follows the trails of alligators through moccasin-infested swamps, kills and skins the reptiles, salts the hides, and carries them a score or two of miles to a trading-post, where they are received at about a dollar each in exchange for food for his family.

Since the Seminoles have been forced

into the Everglades they have built their camps, with pole-supported, palmetto-thatched roofs, on little keys of less than an acre each, with sometimes an adjoining key for a garden. They grow a few guavas and oranges, and raise sugar-cane, and also corn, which they pound in a primitive mortar. They spear conters and shoot gar-fish with blunt arrows. The turtle are baked in the shell, and the rank smell of the gar is roasted out of it in the ashes. The sofkee kettle is kept on tap; it contains an olla-podrida of corn-meal, flour, vegetables, and meat. The big wooden spoon within it is a perennial invitation to the members of the camp and the stranger within its gates to partake at will.

From the fire in the Seminole cooking shack big sticks of wood radiate outward, like the spokes of a wheel from its hub. As more fire is needed these sticks are fed up to the center.

The tribal organization of the Florida Seminoles is loose but efficient. They are divided into a score of camps, in each of which the word of a chief is law. The general policy is dictated by a few of the older chiefs, all of whom are "stand-patters." Sometimes a youth gets out in the world in search of knowledge, but as soon as he becomes interested he is called home. The thought of disobedience of a lawful mandate doesn't seem to occur to the Indian. When the council decrees his death for, say, immorality, he takes no exceptions, pleads no brainstorms, and makes no appeal. He may ask permission to go to town for a day or two, but before starting is particular to inquire the exact hour of his execution, that he may not fail to be present at the ceremony.

"THE LADY OF THE CAMP DISPLAYED HER BRIGHTEST CALICO AND HER BEADS TO THE LAST POUND"

Reserved and shy, with an inherited distrust of the white man, the Seminole guards his home against the intrusion of our people. The Camera-man and I met him years ago on the rivers of the west coast, and his canoe passed ours without his seeing us. He avoided us in the Ten Thousand Islands and turned his face from us in the Everglades. At his hunting camp in the Big Cypress he was civil but silent; at the trader's store he pretended to know no English, and it was only at a moonshiner's camp that he unbent. Then we caught him with his family, gave candy to the pickaninny, and photographed the outfit. We promised him prints, and he accepted our assurances as if he expected them; but when later, at the trader's store, we redeemed our promise, he looked as if he were about to faint. His eyes followed us as if we were freaks, and he said something to the trader which made him laugh. Afterward the man explained to me:

"He says you no lie. Everybody who comes here wants to get a picture of an Indian. They all promise to send him a copy, and usually some tobacco with it; but I never before knew one to keep his promise."

Suddenly the attitude of the Indians toward us changed. They began to understand our English, ate with us when we met in the 'Glades, and were hospitable when we invited ourselves to their camps. It was harder to get on with the squaws, and there were some whose confidence we never could secure. There were camps, too, which we have not been allowed to enter, although their owners have been friendly—at a distance.

A few of the Seminoles can read, write, and keep their simple accounts. At a camp which we were the first white men to visit we saw a little book kept by our host. On a page half filled with memoranda of alligator hides sold and ammunition and supplies bought we found comments on ourselves:

"good frend, all time, come my camp, me no care, stop 3 days, go new york, come see me next time."

"no lie, all rite, get mad easy."

The getting mad referred to was merely a manifestation of indignation at some vile expressions for which our race, and not his, was responsible. We had been in his canoe in the 'Glades when he met and hobnobbed with an alligator-hunter whom we knew. The conversation of the white man was crystallized obscenity, and its vileness was permeating the vocabulary of the Indian. Soon after the hunter had passed on the Seminole asked:

"Where good white man live? He no come here."

When I sought his opinion of the trader at whose store I had first met him, he nodded vigorously:

"Him good *ojus* [much], no lie, no cheat Injun boy, me think so."

I asked how he liked a certain missionary, who was a far better friend to him than the trader, but who lacked the tact with which the latter abounded.

"Him *holowaugus* [no good]. Injun no want white man God. Want Injun God. Mission man talk, talk, talk, Jesus Clist all time."

The Seminole's prejudice against white men becomes positive dislike of missionaries and hatred of Government men. When a mission was established at Immokalee (Home), the Indians fled to the swamp.

A recently established mission is on practical lines. It consists of a hospital, with medical attendance and advice free, a trading store where supplies are sold at cost, and a home where the red man is always welcomed. The Indian needs to be taught our language and our industries, and untaught his superstitions and distrust of his white friends, before he tackles our theologies.

From this little mission flows about the only good influence that reaches the Seminole of the swamps and the 'Glades. When he touches the civilization of the east coast of Florida, he is plied with the strong drink which is poison to his race, but which few people of the wild can resist. On the western borders of his habitat he finds white hunters slaughtering the deer, killing the alligators, and trapping the otter, which belong by inheritance to him and upon which the support of his family depends.

The Seminole is a good deal of a man, and has preserved much of the dignity of demeanor which his heritage of freedom gave him. While camping with one of them in the Big Cypress a negro refugee from the swamp came to our fire. He was hungry, and I made up a parcel of grits, bacon, and coffee for the poor fellow, whose appearance appealed to my sympathies. While I was gathering the stores the negro went out with the Indian to bring in wood for our fire. As they returned I could read the history of their races in the face, form, and bearing of each. The negro slouched along with obsequious face, furtive glance, and back bent to its burden. The Seminole strode in advance with an erectness of carriage and a mien worthy of, say, the President of the Chemical Bank, although his bare legs—I mean the Indian's—impaired the realism of the illusion.

I was proud of our conquest of one Seminole camp and of winning the good will of its members. Our hospitable host daily swept the tables on which we were to sleep, and, when we left his camp, accompanied us a day's journey in the Everglades to point out the trails we should take. He laid aside all formality, and would turn from grave converse with us to tickle with a feather the toes of a youngster. With the rest of the camp he shook with laughter over a vaudeville performance by a puppy that seized a pig by the tail and rolled over and over in a wild attempt to twist it off. When the squealing young porker had escaped his tormentor by dragging him over the fire-logs, the exuberant canine, by way of encore, grabbed a mouthful of feathers from the tail of a belligerent rooster. When a youngster did something that had been forbidden, his father started for the boy with wrath in his eye and a stick in his hand. The youth darted from the camp and ran through the shallow water splashing like a frightened duck. He hid in the swamp for an an hour or two, and when he returned with shy, sidelong glances our host behaved like a Christian father and pretended to have forgotten the act of disobedience. At first the pickaninnies of the camp were wild as a brood of young partridges, but they yielded to the example of their elders and our own advances, and we soon became quite chummy. They were a busy, useful, and merry lot of tots. A three-year-old baby trimmed a canoe as if he had been born in it, while poling it like a veteran. A girl of six mothered a child of two and took the infant with her in the canoe, which she poled a hundred yards out in the 'Glades to fill pails with water for the camp. Daily the babies were scrubbed by the older ones, who often soaped hands,

"LITTLE STANDS BETWEEN THE SEMINOLE AND STARVATION BUT THE FEW REMAINING ALLIGATORS"

face, and garments indiscriminately; then, wading waist deep, they rolled the youngsters in the water to rinse them.

The Camera-man had troubles of his own, for the native American, like a woman of Vanity Fair, wants to face the camera in full regalia. From the feathers in his turban to the shoes on his feet our host wore his ceremonial costume, while the lady of the camp displayed her brightest calico and her beads to the last pound.

When our host was in his mellowest mood, I ventured to speak of the good will of our people toward his. Unwarned by his ominous silence, I talked of the missions, and even said a good word for the Government and its work in the West. I would better have kept silent, for I brought stern lines to his face and filled his mind with thoughts of the wrongs his people had suffered from mine. I tried to come back to a lighter theme, but the day had been spoiled.

The Seminoles are physically and morally clean, of boundless hospitality and kindly nature. Yet unless action be soon taken it will be too late for our Government to escape the infamy of crushing this helpless people to whom its obligations are peculiarly sacred.

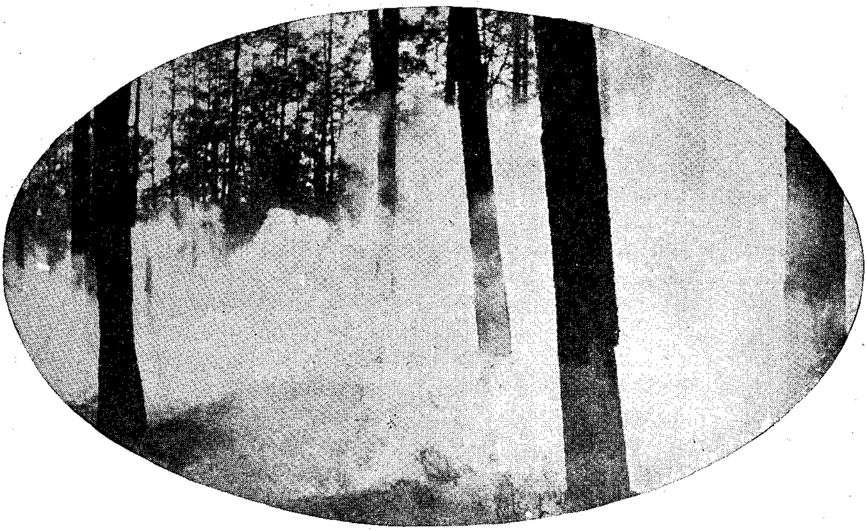
The United States constituted itself the guardian of the uncivilized peoples within its borders. Its Indian Department possesses unlimited means, immense equipment, and wide experience. It is not to its credit that it has so long delayed considering the condition of the Florida Seminole. It should not be impossible to find agents of sufficient sense and sensitiveness to convince these wronged and justly suspicious wards of the Nation of the present kindly feeling and just disposition of our people toward them.

It is too late to remedy the injustice of the past. But the Florida Seminole's fear of being driven from his home should be dispelled forever. He loves that home. When, recently, emissaries came to these Indians from the long-ago deported branch of their tribe, they brought invitation to their Florida brothers to join them in the West.

The Seminole would be satisfied with a little of the inheritance that belongs to him, a portion so small as to be of negligible value to us. An Indian Reservation three townships wide and twelve long, running from Boat Landing, would probably be sufficient. This tract of eighteen by seventy-two miles includes a little unused prairie land, some of the Big Cypress Swamp, a small section of the Everglades, a bit of mangrove swamp, and part of the shallow lagoon called White Water Bay. It has no important stream, does not touch the coast line, and if it includes a habitation other than Indian I do not recall it, and I have been familiar with the country for many years.

Its boundaries should be sternly guarded against the uninvited white hunter, tourist, or trader. Whisky ought to be kept out even at the cost of hanging a few dealers, "to encourage the others."

"HE POLES HIS HEAVY CANOE THROUGH THE BIT OF WILDERNESS LEFT HIM"



The Forest Fire Problem

By William Davenport Hulbert

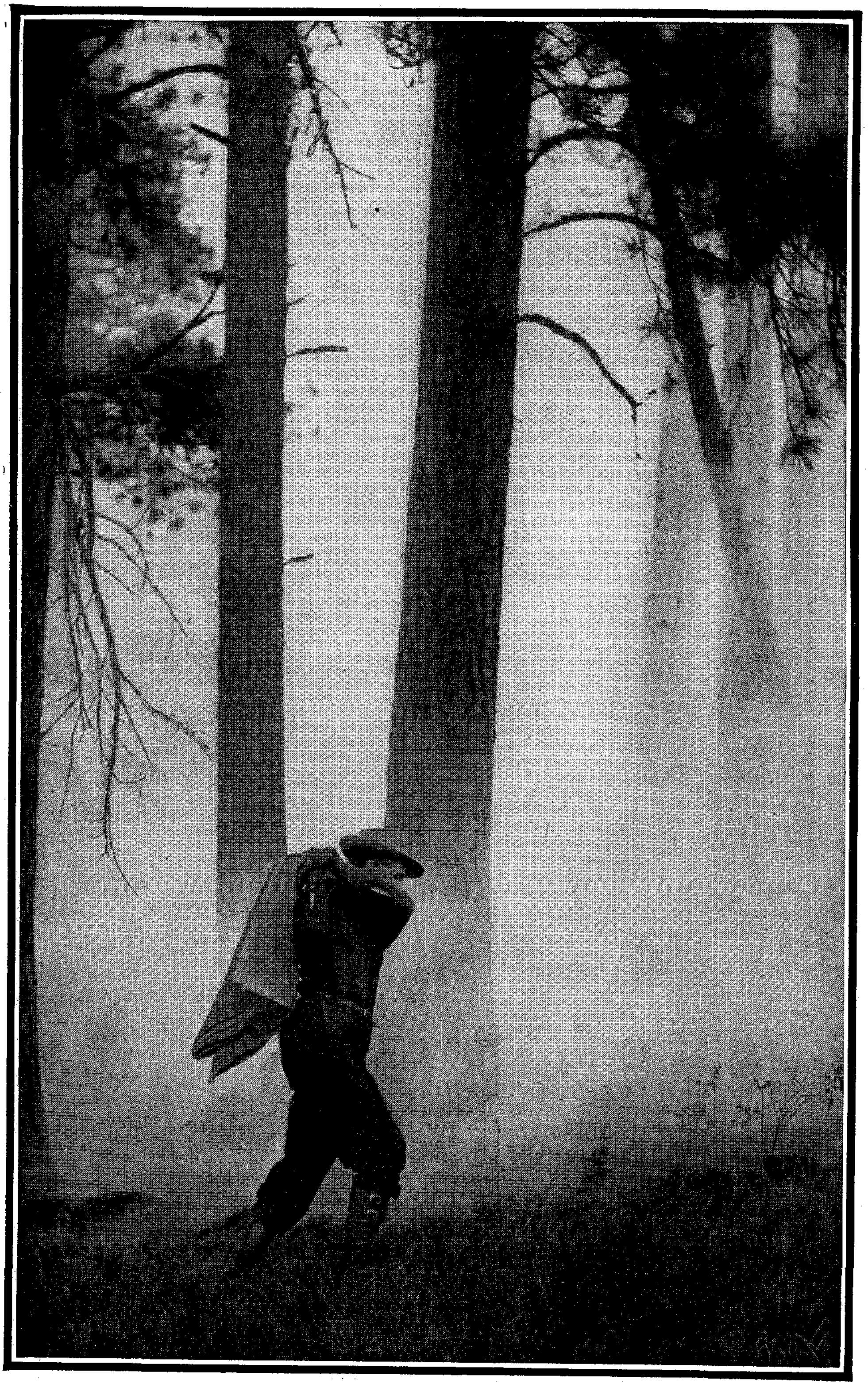
LAST summer, in the height of the fire season, our Uncle Samuel noticed that certain lumbermen were cutting timber on a tract of land that lies within the boundaries of a certain National forest in the Cascade Mountains. The land belonged to them, they having purchased it before the reserve was established, and of course a man may do as he pleases with his own. But our Uncle Samuel didn't like it at all, and he said so. There had been no rain for several weeks, and in the ordinary course of events on the Pacific Coast he did not expect any for several weeks to come. Everything was very dry, and the needles, twigs, and branches of the felled trees were turning to tinder as fast as they came down. The lumbermen's donkey-engines were throwing sparks like so many Roman candles, the logging locomotives were doing the same, and the loggers themselves were smoking their pipes and probably handling matches with more or less carelessness, after the manner of men in general. And the worst of it was that all this was being done at the foot of a timbered slope which belonged to Uncle Sam himself. If a fire once started in those new slashings, it was pretty sure to sweep the whole mountainside and take everything in sight. Therefore our uncle was much disturbed, and he suggested to the lumbermen that they should suspend operations till the arrival of the first rains. But the lumbermen couldn't see it that way. They were making money, and they wanted to keep right on making it. They refused our relative's request, and he, much to his regret, was not in a position to insist.

Then, one day, there came a high wind from the east. Now an east wind on the Pacific Coast is a very different thing from an east wind on the Atlantic. In New York or Philadelphia it means general humidity. In the Cascades the prevailing breezes are from the west and bring more or less dampness from the ocean, but when an east wind does come—and especially when it comes in summer—it is as dry as a bone, for it blows from that vast arid and semi-arid region where the Great American Desert was wont to have its haunts before it shared the fate of the passenger pigeon and was completely exterminated. All this would be unimportant if it were not for the fact that the fine needles which form the foliage of a coniferous forest are very susceptible to atmospheric moisture. A heavy dew fairly saturates them, and a very slight increase in the humidity of the air renders them much less inflammable. On the other hand, they dry out almost instantly in direct sunshine or under the touch of a parching breeze. An east wind, therefore, acts on a Cascade forest fire very much as the hot blast does on an iron furnace, or as a brand-new battery acts on a gasoline engine. There is something doing immediately it puts in an appearance. But that was not all. This National forest lies mainly on the western side of the Cascades, but, like all other great ranges, the Cascades are very irregular and have many outlying peaks and slopes that face in all directions. It so happened that the particular slope which was worrying our Uncle Samuel looked toward the east. The wind, therefore, was not only hot and dry, but it was blowing from the new slashings straight up the mountain-side toward Uncle Sam's own woods. And about four o'clock in the afternoon, when that wind had had several hours in which to lick every last trace of moisture out of the tangled brush, the slashings took fire. By half-past seven, when the first telephone message reached the Forest Supervisor, the flames had swept a thousand acres, much of it heavily timbered.

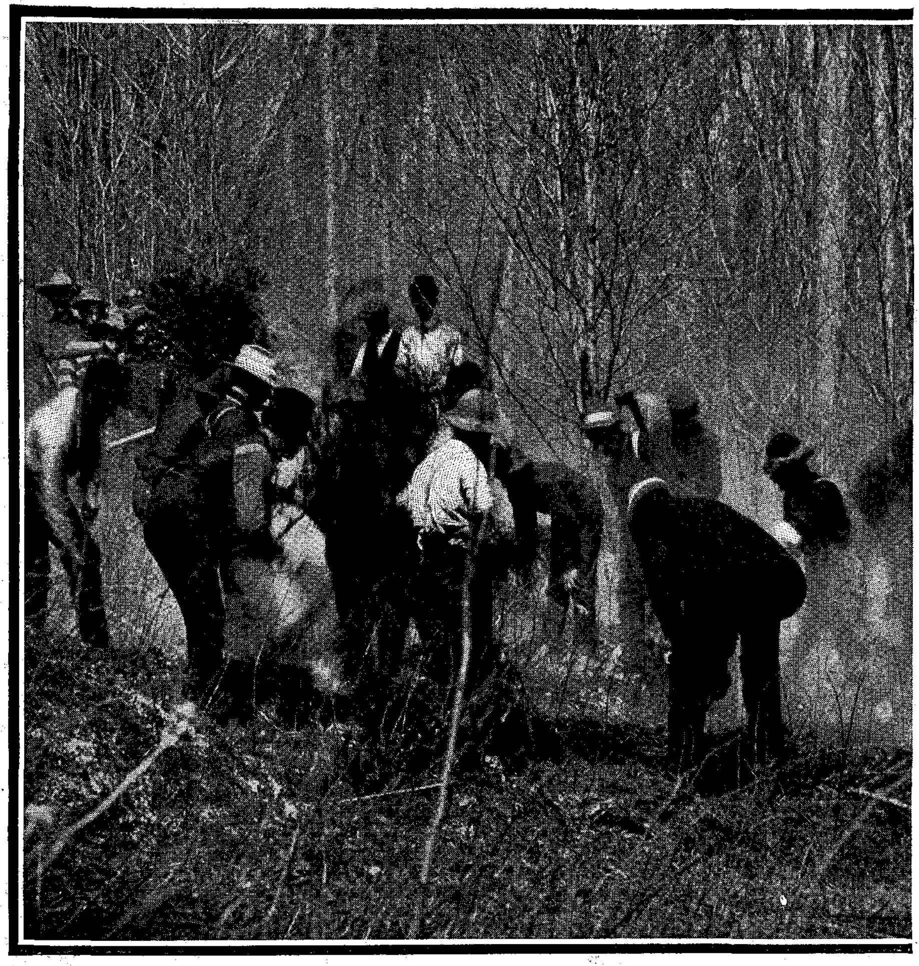
The Supervisor's office was eighty miles away, but he was on the spot the next day with a hundred men, well armed with shovels and other weapons. The lumber company had already set another hundred at work, and twenty-five more arrived the following morning. The east wind had nearly, though not quite, blown itself out, and just at present the fire was not spreading nearly as rapidly as at first. The indications were that there would be a day or two of calm weather, followed by a west wind of more or less strength, and when that west wind arrived the flames would cease their westward progress entirely and begin to travel toward the east, where there was a large body of fine green timber which must be saved if possible. In fact, they had already made a start in that direction by running up a long, steep slope on the eastern side of the valley where the lumbermen had been working. So the Supervisor, after looking the ground over, divided his force into two main bodies and sent one of them to the fire's northeastern front and the other to the southeastern, with instructions to work toward each other. It takes brains and experience to fight a forest fire effectively. Shovels and water and dynamite are all very well as far as they go, but they alone are not enough.

The men sent to the northeastern border found the fire burning in isolated spots, without any continuous front, and spreading very slowly. Probably this was due in part to the fact that the ground was fifteen hundred to two thousand feet higher than where the trouble began, and at such altitudes the dews are heavier than on the lower levels. A forest fire differs from President Lincoln's gunboats in that it cannot navigate freely where the ground is a little damp. These small burning areas were attacked with the shovels, and dirt was thrown on the flames until they were smothered. They were easy. Besides them, however, there were a great many tall "stubs" or "snags," which were doing more or less damage—dead trees, standing as erect as ever, but almost bare of bark and branches, and thoroughly dried out by years of exposure to the sun and wind. These infernal machines are much more common in the Northwestern forests than in the Eastern, and are not infrequently two hundred feet or more in height. When a fire reaches the foot of one of them, it goes straight to the top and throws out sparks and cinders, which are carried far and wide to start fresh trouble in unexpected places. Except the wind they are the worst enemies that the fire-fighter has to contend with. For a time they called for very careful watching, but many of them fell within the next day or two, and as fast as they came down they were extinguished.

The men on the southeast had a somewhat different proposition on their hands. Here the fire was not so scattered, but was advancing with a front that was fairly continuous, though crooked and irregular. It was moving more rapidly, too, for the ground was lower and drier than toward the north. There was little chance of



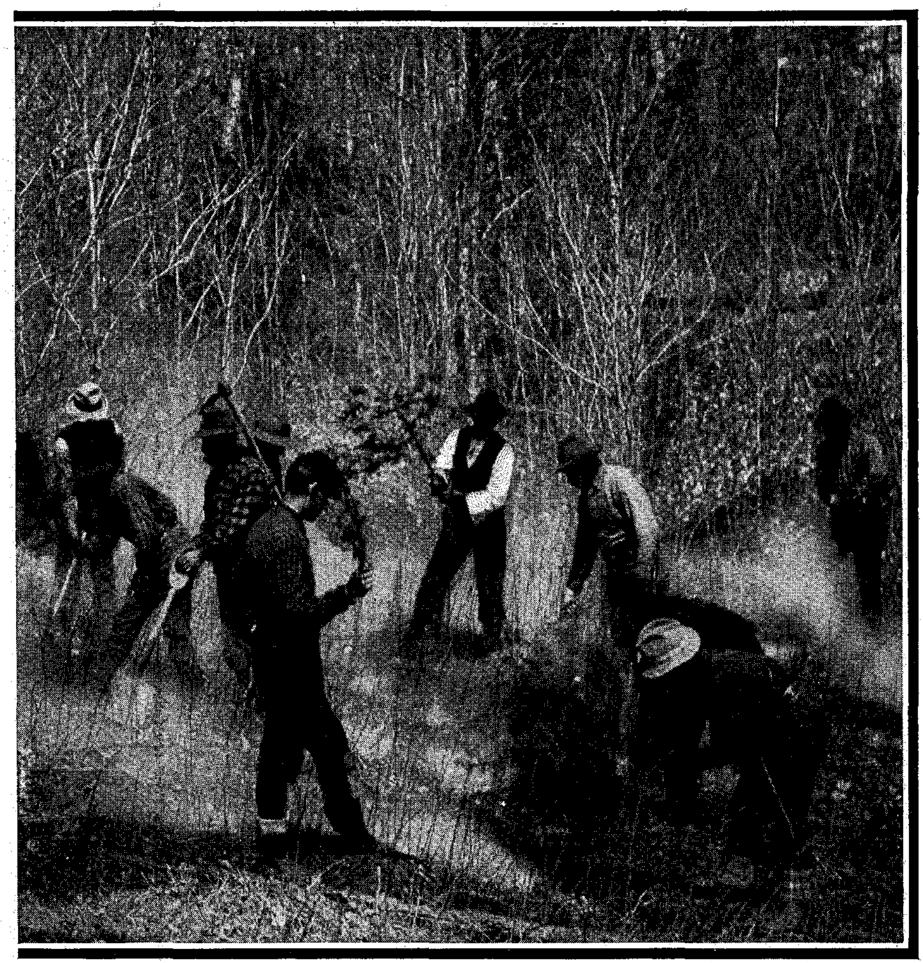
A RANGER PUTTING OUT A GROUND FIRE WITH A WET BLANKET



"THESE SMALL BURNING AREAS WERE ATTACKED WITH THE SHOVELS

disposing of it by direct attack, and it seemed wiser to place some impassable obstacle in its way and let it burn itself out. So instead of throwing dirt upon it they cleared a "fire-line" along its front, scraping away everything that was inflammable and leaving only the fire-proof mineral soil. Within the next two or three days this line was extended northward into the region where the first company was at work, and then, before the west wind arrived, there came an unexpected piece of good fortune—a very slight fall of rain. It wasn't much. To the uninitiated it might have been too small to amount to anything. But it made a wonderful difference, and the supervisor immediately began paying off his men, keeping only enough to patrol the worst places, where the ground fires were still smoldering and a few stubs still making threats.

Then Uncle Sam sat down to count the cost. The actual expenses of fire-fighting had been about twenty-five hundred dollars, most of which had fallen on him, though the lumber company paid a part. He and the company had each lost about seven million feet of timber. Uncle Sam's was so situated that it would not have been salable for some time to come, and the valuation that he placed upon it was very low, but the company's was being cut into saw-logs when the fire took it, and its immediate value was much higher. Uncle Sam had also lost several hundred acres of very young trees which would have been good for nothing for many years, but which, if they had lived, would in the course of time



AND DIRT WAS THROWN ON THE FLAMES UNTIL THEY WERE SMOTHERED"

have become merchantable timber. The immediate loss to all parties concerned he estimated as between eighteen and twenty thousand dollars. The ultimate loss, including the increase which would undoubtedly have taken place in the value of his burned timber, cannot be estimated at present, but will certainly be much higher.

And there need never have been any fire at all if the lumbermen had been willing to drop their work for a few weeks in the height of the summer.

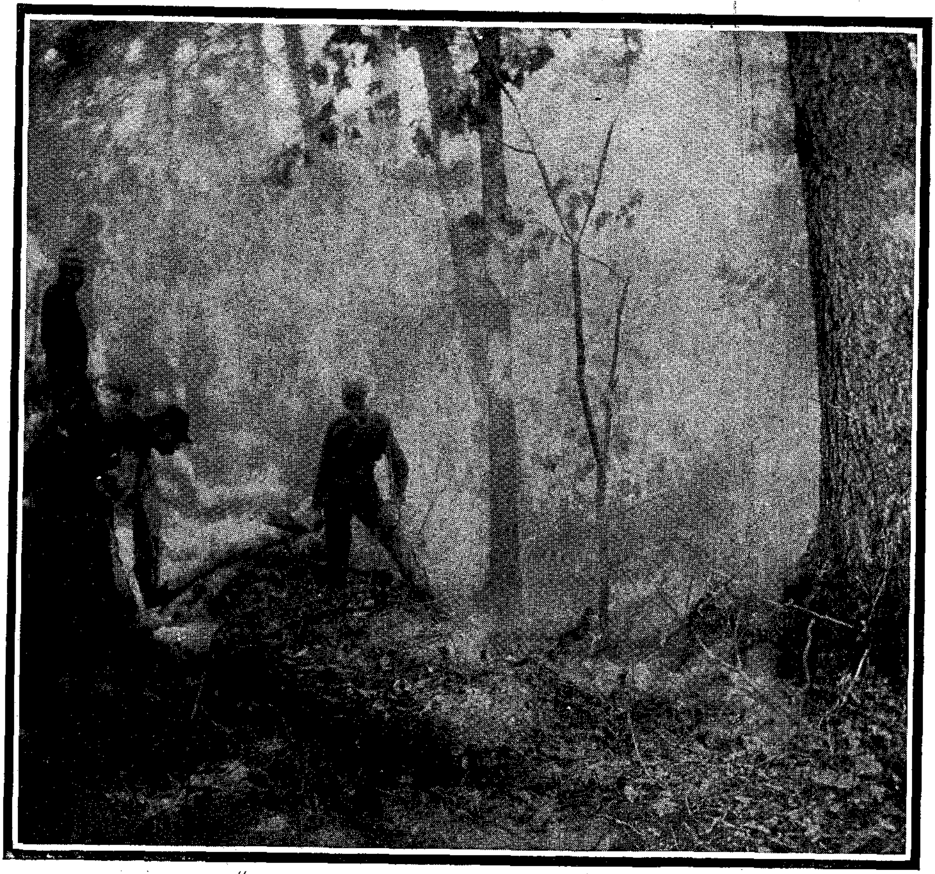
The men of the Forest Service are often asked whether it is possible to do away entirely with forest fires. The answer is very simple. Forest fires cannot be entirely done away with, any more than city fires or any other kind, but they can be kept down to a minimum, both in number and destructiveness.

Forty-seven fires took place in and near this particular National forest during the season of 1910. Not all of them were actually inside its boundaries, but those that were not were near enough to endanger it, and the forest officials and employees took part in extinguishing them. The origin of seven of these fires is unknown. Probably some of them might have been prevented—possibly some could not. But we do know how the other forty started, and the subject is one worthy of a little attention.

To begin with, only four originated on Government property. All the rest started on privately owned lands, either inside the boundaries or just outside. This, of course, was mainly because Uncle Sam's lands are at present almost uninhabited and his timber practically untouched.

Things will be different when he begins cutting his trees or letting somebody else cut them.

Twenty fires started along the lines of the railways that cross the forest. Most of these were undoubtedly kindled by sparks from passing locomotives, and many, if not all, might have been prevented by equipping the engines with efficient spark-arresters or by the use of petroleum as fuel. The biggest fire of the twenty spread from a heap of old snow-shed timbers that the railway people burned as rubbish, and might have been avoided by burning them in wet weather instead of dry. To the credit of the company it should be said that it set a large force of men at work to put this fire out, and that, while the fire covered a good deal of ground, it did not destroy much valuable timber.



"THE FIRE BURNING IN ISOLATED SPOTS"

Four fires were started by donkey-engines in the lumber camps. These also could probably have been prevented by the use of spark-arresters or liquid fuel—or, better and surer, by shutting down during the last few weeks of summer and the first one or two of September. The burning of the tops and branches of the felled trees at times when the woods were wet and there was little danger of starting a general conflagration would undoubtedly have lessened the fire risk somewhat. Until recently the lumbermen have declared that this is too expensive and cannot be done, but of late they seem to be making up their minds that they must do it anyhow, whether they can or not. Ultimately, of course, the consumer will pay the freight if there is any to pay, but burning the brush will not raise the price of lumber as much as burning stumpage.

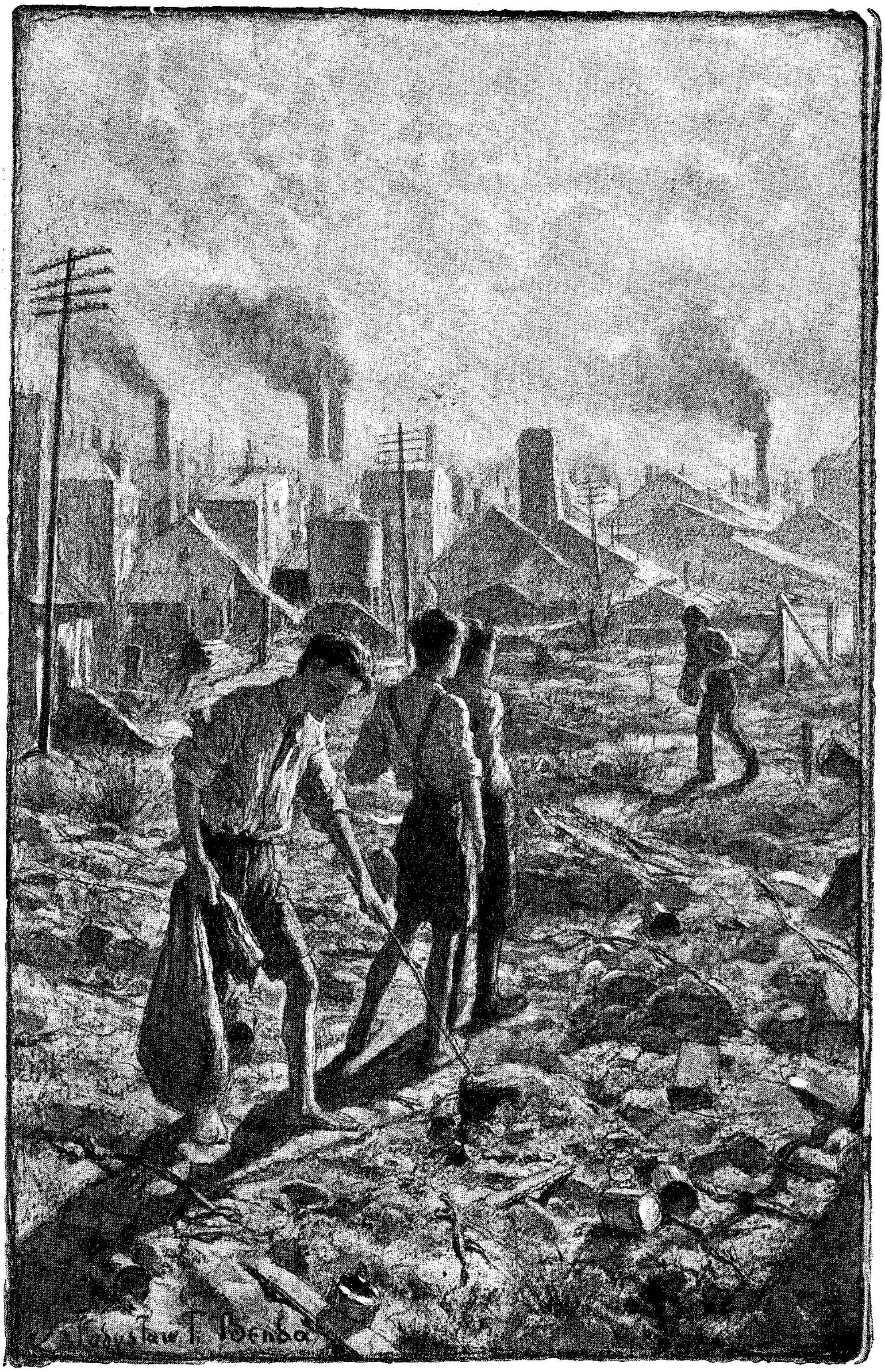
This seems a good place to say that the lumbermen and railway men are not entirely to blame for their slowness in adopting such remedies as these. For instance, it is difficult to construct a spark-arrester that will really arrest sparks without working more or less loss of power in the engine, and if there is any engine in the world that needs all the power it can raise it is a locomotive hauling trains over the mountain grades in some of the National forests.

One fire spread from a burning brush-pile and was probably started by some settler clearing land. Some of the forest States have passed laws forbidding the burning of brush by ranchers except under permit from the county warden; and though it is difficult to enforce such regulations, it will probably grow easier as settlers come to realize the necessity.

The other fifteen fires were all started by campers. Many people know how to build a camp-fire so that it will not endanger the surrounding forest. Many others do not, or, knowing, do not care. But some of these may learn in the course of time. One morning, not many years ago, a forest ranger on patrol duty came upon a camp that had evidently been deserted only a few minutes before. A fire had been built at the foot of a tall stub, had run to the top, and was throwing sparks into the woods around it. Fortunately, the stub stood on the bank of a stream. The ranger had an ax, and by half an hour's hard work he felled it, dropping it on a bar of bare gravel. Then he put out the fire with water from the creek and went after the campers. They had a long start, but he was a trained woodsman and knew how to walk, and eight miles down the trail he overtook them and charged them with having left their fire burning. At first they tried to deny it, but he insisted that they were guilty, and they finally owned up. They had meant to put it out, they said, but it went up the stub and they could not reach it and did not know what to do. He told them they must go back, fell the stub, and extinguish every last spark. They laughed at him, but he assured them that it was not a subject for merriment. He was an officer of the law, and if they did not obey him he would take them to the nearest settlement and put them in jail. They were four to one, but he overawed them, and they started back up the trail, swearing like the army in Flanders. The day was hot, the miles were long, and they soon grew footsore and weary. As the hours went by their stream of profanity steadily increased. But when at last they mounted a low ridge, looked down on their camping-ground of the night before, and realized that the stub was already felled and the fire out, they took it in dead silence. They were too mad to speak.

The various ways in which the forty-seven fires were extinguished make an interesting story, but too long to give in detail. Twenty-six were put out by the rangers who found them, without assistance and before they had spread far enough to do any harm whatever. Yet any one of these twenty-six, if left to itself, might have started a great conflagration and done inestimable damage. Ten others were a little larger, so that the rangers had to have help, but they, too, were extinguished before they had done any appreciable harm. The remaining eleven were more extensive, but only one of them—the unnecessary one that started in the slashings at the foot of the mountain—succeeded in destroying more than a few hundred dollars' worth of timber. And yet this forest is undermanned and is not equipped as it should be for efficient fire-fighting. In some respects it is more fortunate than others farther inland. Although it was without rain for weeks together, yet the mere presence of the moisture in the atmosphere, brought in from the Pacific by the westerly winds, was a decided protection. But when every allowance has been made for this there is still a chance, at the very least, that if the proper measures could have been taken at the proper time the great fires in Minnesota and Idaho, which a few months ago caused such terrible loss of life and property, might have been prevented entirely or put out before they had done much harm. That those measures have not always been taken is not the fault of the Forest Service, which as yet has never had the financial resources to handle the situation adequately.

There are those who say that it is impossible to put a stop to forest fires and that it does not pay to try. The experience of this Pacific Coast forest in the long, dry summer of 1910 would seem to indicate that it pays most handsomely.


Wladyslaw T. Benda

"LIFE ON THE DUMPS WAS GENERALLY A RETURN TO THE SURVIVAL OF THE FITTEST"

Through the Mill

By Al Priddy

With Drawings by Wladyslaw T. Benda

This story of the life of a mill-boy is an autobiography in the fullest sense. The facts and experiences presented are absolutely true, although imaginary names have been used, and some of the methods of fiction have been followed in the manner of writing. The story will appear in six illustrated installments in Magazine Numbers of The Outlook.—THE EDITORS.

CHAPTER I

MY tenth birthday was celebrated in northern England, almost within hailing distance of the Irish Sea. Chaddy Ashworth, the grocer's son, helped me eat the birthday cake with the ten raisins on its buttered top.

As old Bill Scrogs was wont to boast, "Hadfield was in the right proper place, it being in the best shire in the Kingdom. Darby-shir [Derbyshire] is where Mr. George Eliot [only he said "Helliot"] got his 'Adam Bede' frum [only he said "Hadam Bede"]. Darby-shir is where Hum-fry Ward [he said "Waard"] placed the 'Hist'ry o' Davvid Grieve.' If that don't top off the glory, it is Darby-shir that has geen to the waarld Florence Nightengale!"

It was in the first of those ten years that I was bereft of my parents and went to live with my Aunt Millie and Uncle Stanwood. They kept a fish and poultry shop on Railway Road, and in this shop, over which a sign announced that "everything in its season" was kept, came ducks, rabbits, watercress, sole, haddock, and all manner of shellfish. There was a weekly exhibition of a gigantic ray, which sat in a low chair with his tail flappers comically curled forward, with a plug hat aslant his beady left eye, and with a pipe prodded in his silly mouth.

My Uncle Stanwood was never intended by nature or ambition to impress the world with the fact of his presence in it. The only occasions when he ever called attention to himself were when he peddled fish and loudly shouted: "Fish alive! Buy them alive! Kill them as you want 'em!" and when he played on his flute. His musical skill was limited to tunes from "Easy Pieces for Learners," and their rendition never brought him more than a perfunctory morsel of applause. His eagerness for an audience, however, led him at night to the smoke-laden parlors of the Blue Sign and the Linnet's Nest, the public-houses, where applause was generally given in the shape of noggins of punch and mugs of hot porter with a red-hot poker dipped in and seasoned with pepper and salt. Uncle Stanwood's will was not impervious to the fumes of these decoctions, and after a concert he generally forgot his flute and I was sent after it the next day, when the barmaid usually tried a note before letting me have it. "Brindin and his flute" was always a phrase brought in whenever a public-house concert was proposed.

My uncle always maintained a neutral attitude to his business. He neither shouted up and down the street, as the butcher did, that *his* was the trade of a gentleman, nor did he ever despise it in so many spoken words. It yielded him a comfortable living, for it was not every house in Hadfield that had a piano or could afford to have enlarged portraits of the family framed in gilt and hung above the horsehair furniture.

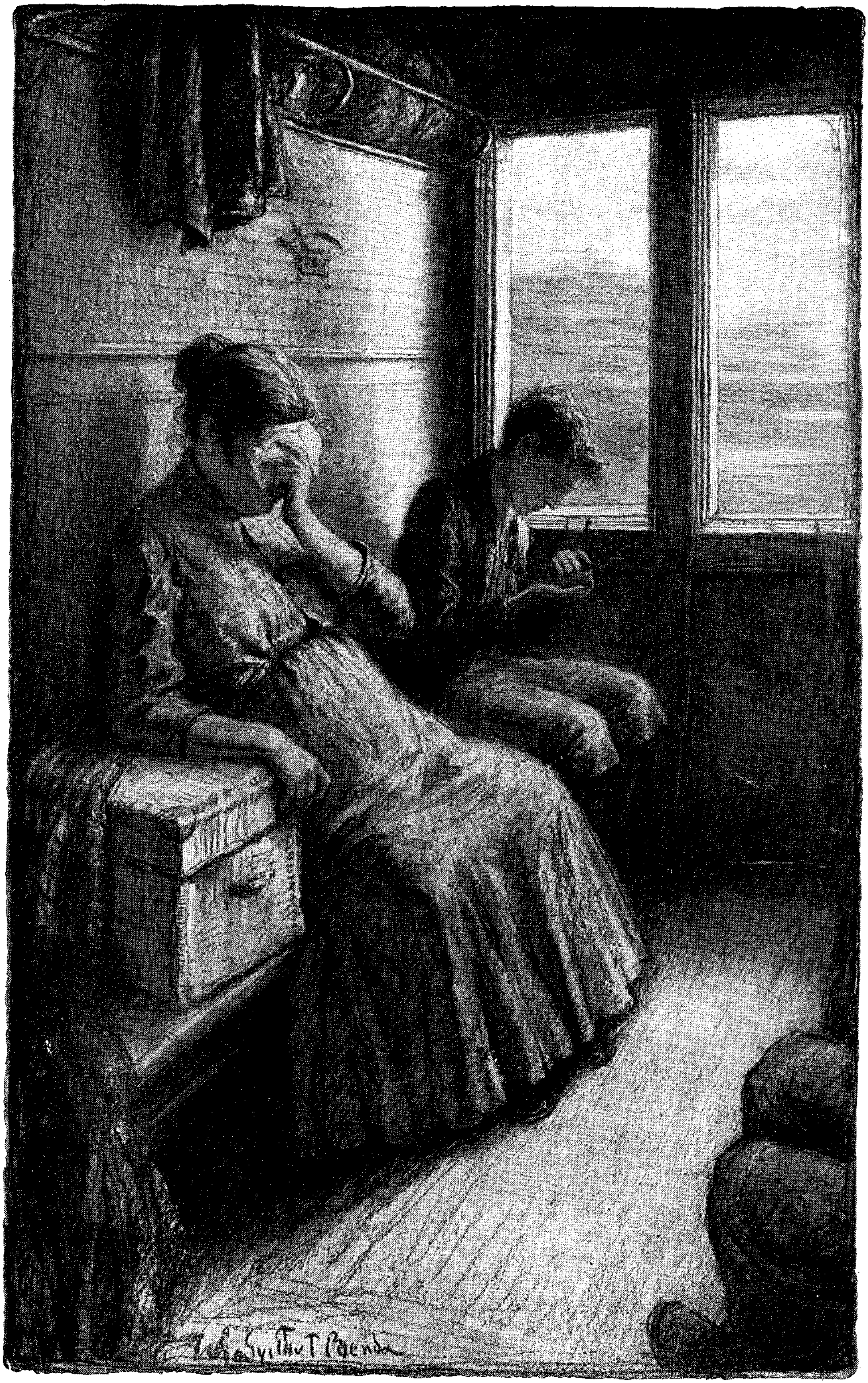
My Aunt Millie was positively positive in every part of her nature. She was positive that "Rule Britannia" should come next after "Nearer, My God, to Thee." She was positive as to the validity of her own ideas. Her will, once made up—and it did not take long brooding for that—was inflexible. She was positive in asserting that "every one of us should know our place in life. It's no use trying to pass off as middle class if you aren't middle class, and why should a middle-classer try to pose as a gentleman?" She was always reciting to me how, when the carriage of a squire swept by, she had always courtesied graciously and humbly. Once she had seen a *real* lord, and the vision had taken her breath away. Her father had been a musical genius, who, like all geniuses, had always been poor. He had been a player on, and a builder of, church organs. He also had made family blacking, family pills (of soap, sugar, and some herb compounded); he had composed music for the local share in a national fête, and on the merit of that my aunt said, "Many and many's the time have gentlemen, *real* gentlemen, driven up to our door just merely to have a look at father!"

Aunt and Uncle suffered from an incompatibility of temper. Not pondering the matter in her heart, my aunt took many opportunities of reminding Uncle that she "had had better chances!"

In these family debates, which generally turned into harangues, my aunt always effectively silenced the weak batteries of my uncle by shooting shafts of allusions, analogies, and similes from the Dickens gallery of types. When my uncle was gloating over the prospect of not taking his wife to Manchester on the next trip, my aunt met him with, "Yes, there you sit, rubbing your slimy hands like Uriah Heep!" When my uncle was contending that the business would pick up in a "day or so" in spite of the apparent "slackness just now," my aunt "ha-ha'd" tauntingly, and then sneered: "Oh, yes, 'it will pick up in a day or so'! I see it! You're just like Micawber, the old sniffer, always waiting for something to turn up!" But it was not long one-sided, for my uncle not only drew from the gallery of Dickens, and thus stole his wife's thunder, but he also fell back on Thackeray. "There you go," he would say, "everlastingly like Becky Sharp, with her lying insinuations!" One day my aunt was "Mrs. Gamp," loving the comforts of life a little too much, and another time my uncle actually included his wife among Mrs. Jarley's wax works!

Nothing delighted my aunt more than occasional visits to the different chemists' shops, where she could get free samples of liver medicines, Beecham's pills, ointments, and herbs. She tried them all on herself even when she had no specific ailment. When I remonstrated with her, urging that one day she would poison herself, she replied: "You see, Al, I sort of enjoy it. Some of the pills are candy-coated and some are peppermint. I just like to try them out, and, when I find one that really does me good, I buy it the next time I am ill!" In her own way my aunt was benevolently inclined. She was always sitting up with the sick and leaving Uncle to shift for himself. She kept an old clock on hand purposely for the town-crier, a shiftless man, to mend. The clock never ticked five minutes after the old man had tinkered with it, but my aunt used it as an excuse to give the man a penny. She once employed this bellman to paint some panel pictures on the chamber doors. When the work was done, my aunt asked him why, in every picture, the cows stood up to their knees in water. The old man replied that he had never learned to paint "'oofs," so he always stuck the cattle into water!

At the ivy-clothed school which I attended, in addition to the usual studies, we boys were taught knitting, plain sewing, darning, and crotcheting. On the way from school in the spring and summer we always stopped before a high brick wall over which one branch of a crab-apple tree wavered. On that branch flourished the only apple I ever saw grow in England. We watched it develop from a white blossom splashed with crimson into a green knot, and from the green knot into a blushing, shiny, mature fruit. Never did we hurl stick or stone at it. It was too sacred and wonderful in our eyes for that. On Saturday mornings, when I had daubed red and blue stone over the



"I SETTLED MYSELF IN THE COMPARTMENT, WONDERING WHY MY AUNT WAS CRYING, AND COUNTING THE PENNIES IN MY POCKET, WITH WHICH I INTENDED TO BUY SOME ORANGES IN LIVERPOOL."

kitchen hearth and sprinkled sand over the kitchen floor, I went out to greet the Scotch bagpiper, who, with his wheezy pibroch puffed out like a roasted Christmas goose, walked so sedately down the street that the feather in his bonnet hardly quivered. There were Sunday-school walks, when we paraded down Railway Road to the music of a band; there were Sunday-school treats, when we played cricket, ran, jumped, and frolicked, and feasted on currant buns and coffee. There were several weeks a year spent at Clethorpes, a watering-place, where I made castles of the pebbles and waded into shallow water after cockles in the sand. There were merry larks at Glossop fair, where "Jack and the Beanstalk" and "Dick Whittington and His Cat" were acted under a tent, before which, on gigantic canvases, were depicted lurid giants, a princely youth in tights, and a monstrous mewing cat, against which a noisy showman tapped with a long whip-handle as he shouted; "'Ere you are, good people. All the scenes of your childhood on view. The real and original 'Jack and the Beanstalk' and 'Dick Whittington and His Cat, Lord Mayor o' Lunnon!' Grown-ups a penny, childer half price! 'Ere you are!"

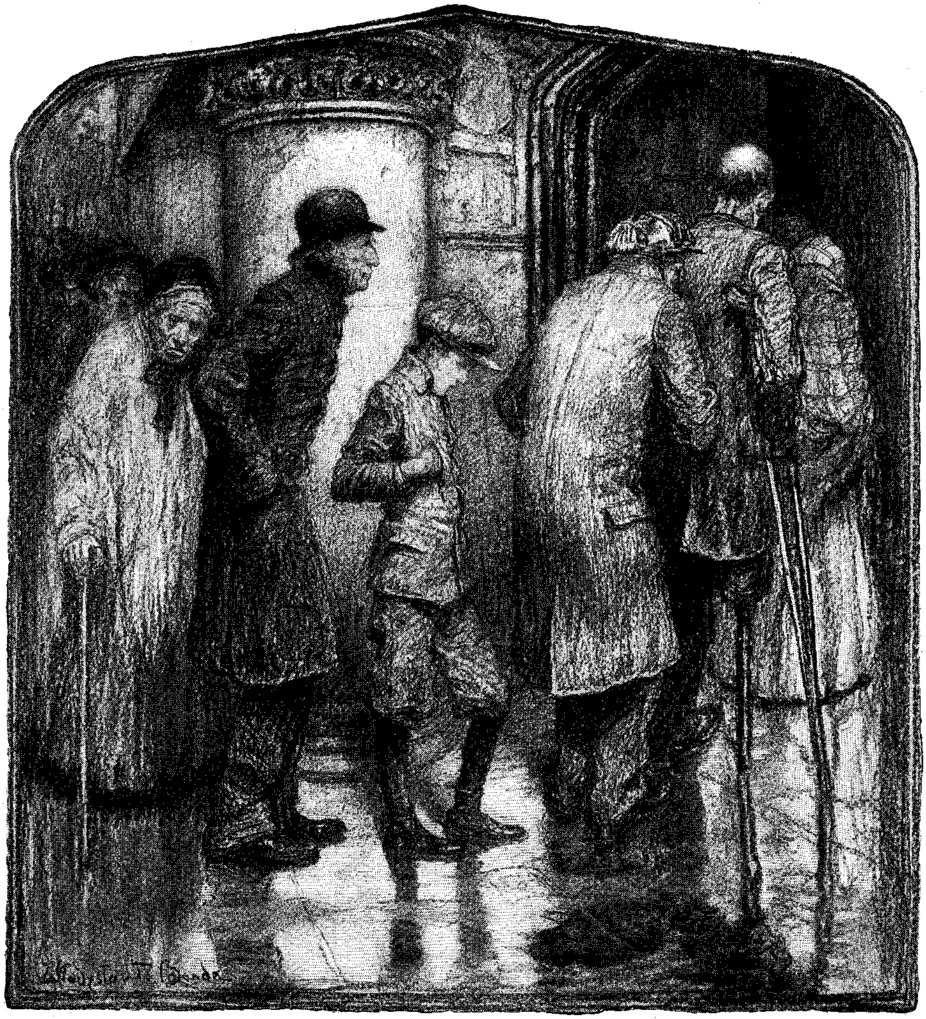
My tenth birthday marked the end of my boyish, merry play life. Across its threshold I was to meet with, and grip, the calloused hand of Labor. Not the labor which merely keeps a healthy lad out of mischief and inculcates habits of thrift, but the more forbidding form of it; the labor from which even strong men cringe in fear, the labor from which men often seek escape by self-inflicted death, the labor of tears, of sweat, of pitiless autocracy—the labor of necessity! The necessity which is not induced by reasonable and excusable circumstances, nor the result of a merely mistaken judgment of events, such as comes to the family betrayed through overconfidence in friends' advice; but the necessity which has its root in carelessness, squandering, drunkenness.

For in this tenth year what had appeared to be the strong walls of my uncle's house collapsed entirely. The undermining had been unseen, unthought of. In that tenth year the parlors of the Linnet's Nest and the Blue Sign were unusually enticing. They enticed my uncle within when he should have been looking after his fish and poultry "and everything in its season." They enticed the profits from the money drawer. They enticed all the business acumen from my Uncle Stanwood's brain. They enticed what little of family joy had centered around our fender. In its simplest phrase, my uncle had become a confirmed drunkard.

Then for many days our home was filled with bickerings, hiccoughs, and piggish snortings. The temple of man that had been even so imperfectly built was henceforth profaned. The intelligent gleam shone less and less from those gray eyes. The fluent words passed and an incoherent gurgle took their place. Those firm strides which had indicated not a little pride became senile, even childish. There was written over the lintels of our doorway, "Lost, A Man!"

All this was not one hundredth part so momentous to the creditors who clamored around us as it was to Aunt and me. To see that slouching, dull-eyed, slavering creature cross the kitchen threshold and tumble in a limp heap on the sanded floor was a sword-thrust which started deep and unhealing wounds. I, a boy of ten, became the man of the house. We had not changed places at all, for that strange, repulsive, huddled thing was not my uncle. He did not meet the exigencies even of a ten-year-old. I could put myself to bed. That man could not. I could talk sensibly. That man could not. I could take my place behind the counter and wait on customers. That man could not. My uncle was lost indeed.

He came back for several hours a week, but it was not the same uncle we had lost. He came back with a new and discouraging note in his voice. He echoed the language of those who fail. Our gleaming fire no longer licked its tongue over the old stories and merry sayings. That black maw of a fireplace, ghostly with ruby coals, no longer took skyward family prayers. My uncle met us with an ashamed face. He looked furtively at me, just as a guilty man would look on some one he had deeply wronged. His shoulders stooped, as do the shoulders of a man who for the first time carries a heavy burden of shame.



"THE LOWEST STATE WAS REACHED WHEN OUR NAMES WERE PUT ON THE PAUPERS' LIST BY THE PARISH CLERK, AND EVERY MONDAY THEREAFTER I HAD TO STAND IN LINE WITH THE TOWN PAUPERS, PASS BEFORE THE PARISH COMMITTEE, AND RECEIVE THE SHILLING DUE US"

But if my uncle tried to retire quietly when he staggered home, my aunt was not prepared to let him. She was determined not to sit quietly while the financial foundations of her house were being dug away. Her anger was more and more unrestrained. Vituperative storms fell with shattering force on my uncle's head during his few sober moments. The vocabulary of invective was very elastic on my aunt's lips. She did not have her word and then stop; but throughout the day, and even into the night, the verbal sparks flew and her sharp sword flashed.

Not only did this send my uncle oftener to the parlors of the Linnet's Nest, just to keep the peace, if not for a reburying of his troubles in noggins and mugs, but it also made the home a doubly mournful place for me. My aunt had a wrong suspicion that I was in league with my uncle and that I was working against her. This was aroused because I was the only one who could handle my uncle during his intoxicated moments. When, for instance, I would draw my uncle away to bed when his wife was hurling forth torrents of irate words, she would snatch my hand away, and not only smite me on the face, but turn her invective against me.

Indeed, my uncle intoxicated was five times more agreeable than was my sober aunt. All the bulldog of the British roared and yelped in her. If contradicted, she attained to a veritable fury and threw the first thing that came to hand—knife, saucer, or coal. On such occasions so fearful was I that murder would ensue that I would whisper to my uncle to go off to the public-house in the interests of peace.

"Stanwood S. Brindin, Fish and Poultry Dealer, Everything in its Season," no longer could be depended upon to have the fish and poultry or to have everything in its season. Customers could no longer depend upon hearing his cry through the streets, "Fish alive! Buy them alive! Kill them as you want 'em!" Our trade fell away, and the Manchester merchants' bills could not be met. We had to beg credit from the tradesmen on Railway Road. Failure was inevitable.

One spring day in that year my uncle came in the house, sober, and visibly excited. He had borrowed enough money with which to take passage to America. After my aunt had concluded the long, wild, insulting stream of abuse this news aroused, my uncle proved to her that such a course was best. It was best, he said, because in the new country he would be away from the Linnet's Nest and the Blue Sign and their seductions. In the new country he could start some profitable business which would put us on our feet. In the new country it would be like beginning life anew. So lavishly did he spread the winsome colors that it was not long before my aunt was sitting with her arm around his neck and looking into his hopeful eyes with that same hope lighting hers. My uncle continued, that as soon as he had something profitable started he would send for us and take us out of our straitened circumstances.

So completely did my uncle's new plan prevail that in a few days he had arranged to have Aunt and myself conduct the shop as best we could, and we had gone with him up to the station, where, when on the train, he had broken down, had kissed my aunt fervently and tearfully, and had given me his parting word. Then the guard shouted, "Aboard!" and the train clattered from under the shed on its way to Liverpool, leaving my aunt and me dazed at our new loneliness.

CHAPTER II

Once more that apple branch which dangled over the garden wall had a rosy apple bobbing in the air; but I did not see it. My boy friend, Chaddy, told me that he had seen it. Then came the autumn, and he also told me that the apple had been plucked and that the leaves were gone. In all this time not a word had come from my uncle in the United States.

My aunt had done what she could with the shop. That little had just kept us in rent and food, food of a simple kind. There were red herrings and bloaters with which my uncle had stocked the shop. On these we made many and many a meal until the lace-bordered boxes were empty or until the smoked fish had become moldy and withered. Our credit was gone. The grocer, across the road, troubled us by his angry importunities. There were many unpaid bills in Manchester; every post brought demands for settlement. We sold the horse and cart, and out of the proceeds bought some new stock. This I tried to sell in a hand-cart over the same route where, in years past, my uncle had wakened the echoes and made the housewives laugh by his humorous "Fish alive! Buy them alive! Kill them as you want 'em!" But by all such shifts and efforts we could not mend our fortunes; the house of Brindin seemed doomed to fail.

Chilly rain and north winds which whistled dismally past our chimney and sent their echoes down our fireplace made us think of winter. My aunt saw that she was engaged in a losing fight, and, in order not to lose too much by it, she determined to have an auction and settle the debts.

In that corner shop where Uncle had fed the hungry weavers with mussels on the half-shell, in whose windows had grinned so many clownishly attired rays, at whose stall "everything had been sold in its season," stood a crowd larger than had ever gathered within its narrow walls before. There were blood-sucking neighbors, forgetting the demands of true friendship, not thinking of the miserable woman and boy sitting behind the window plants in the next house; vampire neighbors, ready to glut their jaws with our blood. It was one-tenth the price for this and one-fifteenth the price for that! Something for nothing. Everything for a miserable penny! So the bids came and were accepted. That was the kind of friend we found in our dismal extremity. My poor dog was tied to a lamp-post, the very one from which I had seen the cricket games and looked off to the Cheshire moors, and there before my eyes he went to Chaddy.

When the last of the curious crowd had gone and the shop had passed from our control, there came anxious shopmen for their pay. None stopped to ask us how we would get along. None played the benefactor. And when the last item had been taken from the proceeds of the sale, hardly a shilling was left. We had merely succeeded in settling the honor of our house. We had not put anything in the larder.

The next week, then, the old town-crier came up Railway Road on a Saturday morning when the hearthstones were being sanded and the fenders polished. Before every row of houses he stopped, took his stand in the middle of the street, and loudly clanged his bell. When the aproned housewives stood in their front doorways and were all attention, the old bell-ringer announced in his drawling way: "To be sold at auction this day at two in the afternoon, a piano, several articles of parlor furniture, at the home of Stanwood Brindin. All come if you don't want to stay away-y-y-y-ay!'

Once more the blood-suckers came to get something for nothing. The sale of those items only gave us a mere fraction of their worth. When the bidders had carted away their "bargains," my aunt shut up what had been a pleasant room, and we went to live in the kitchen.

Into the heart of winter were we plunging, no coals in the cellar, only a few shillings in the treasury, no prospects ahead for our solace. We were prisoners of hope, daily expecting to receive the word from America that would deliver us. No word came, however, and speculation about Uncle added one more burden to our overloaded shoulders. Behind that door, which opened very little now to a friendly knock, a real struggle with hunger and pride ensued. Dry bread and unsweetened tea, bread without tea; these were all we could afford. My aunt felt sure that Uncle would not desert us, so she tried to hold fast to the family pride as tightly as she could. Had we said the word, nourishing food, and plenty of it, would have been ours. But my aunt would not say the word.

Finally we came to the middle of December, and there was no coal for the fire; even dry bread had failed. My aunt kept me at home from school, had me chop some herring-boxes into kindling, and sent me down to Dripping Row to sell them at two bundles for a penny. This wood kept us in bread and treacle for about a week, and then we had to make new plans.

This time there was no other solution than to announce our conditions to our friends. When we did, kindly women brought warm dishes and tasty sweetmeats. After a church tea-party baskets of cake and sandwiches were left at our door. Before these potato pies, rabbit stews, dishes of mashed potatoes, and brown meat pies one youngster stood with more excitement than usually attends a presentation from a Christmas tree. It was the first time in my life that I had ever heard my Aunt Millie say in tears, "Aren't we blessed, Al?"

But after the first enthusiasm had passed off, fewer and fewer dishes were brought in. Then we had to gather stale crusts and dip them in thin milk. Still we had no word from America. Yet we never doubted for a moment that word would come. We had such faith in America and such confidence in the promises of Uncle Stanwood. There was no need of going hungry, however, if we would let the town know our circumstances. The lowest state was reached when our names were put on the paupers' list by the parish clerk, and every Monday thereafter I had to stand in line with the town paupers, pass before the parish committee, and receive the shilling due us.

The lowest reach of the tide is the token of its turn. Like the magic wand of story-book fairy, transfusing night into day, hunger into feasting, came a letter from Uncle Stanwood inclosing money to live on and tickets for passage to America!

What are the feelings of our immigrants when the prospect of a home in America offers itself? Long before we had the boxes packed Aunt Millie and I interpreted life in the light of "the States." There was a tradition in our town—harking back to some citizen who had returned from "the States" for a brief visit—which caused us to believe that the Americans talked in a flat, shrill, nasal tone. With the aid of my companions, therefore, I prepared myself to be able to speak in the same way. The same tradition had left us a half-dozen real Yankee words, among which we boys remembered "candy." Daily I was drilled by the fellows until I could pronounce the word in accomplished "Yankee" fashion, laying particular stress upon the tin-pannish tone which we thought was the acme of American conversation. Coming fresh from such a drill, I used to stand in front of the fireplace, dig my hands deep in my trousers pocket, tip my hat back—an attempt at Yankee swagger—and inflect through my nose, "Saay, Ha'nt, want to buy two cents' wuth of kaandy?"

I can imagine no more perfect fame than the United States had gained in the minds of the men and women of our little English town. The center of human desire, the pivot of worldly wealth, the mirror of a blissful paradise—these were some of the fancies emphasized by our neighbors. Though we were tearing up the family history by the root and were breaking off relationships with church and friends which ran back into the distant centuries, more striking still, though we hardly knew what prospects were waiting for us across the seas, our friends had not a word of pity or regret at our going. The impression prevailed that in America lingers a peculiar magic capable of bringing abundant good fortune to the shabbiest pauper. After the day's packing was done, when aunt and the neighbors who had been helping her were tired, while Mrs. Girion made a hot brew of porter and passed it around, an America was constructed for us rivaling the most extravagant fairy tale Grimm ever told. "Yes," chattered old Scroggs, the town butcher, "they's wunnerful likely things over theer in Hammerica! People just roll in gold. I heers 'at they spends all ther coppers for toffy an' such like morsals. Dunno think o' usin' less than gold—real gold! Load on loads o' it, they saay."

"That's so," put in Maggie, our next-door neighbor. "Everybody has a chance, too. Double wages for little work. All sort of apples and good things to eat. Fine streets, too. Everybody on bicycles; they're so cheap there. They say the sun is always out, too, and not much rain!"

On the street and in the school-yard my maties regarded me with envious affection. I must have mortgaged a small fortune in promises. I would send little Clara Chidwick a fine gold watch, and when her sister Eline cried at this, I vowed to send her a diamond brooch. To Harry Lomick I would ship five brand-new American dollars, and to Jimmy Hedding two cases of American "candy."

Filled with incidents like these, the days of our English life rapidly drew to an end. Ahead of me, tinting my world with rose-color, lay the great city Liverpool, the big ocean ship, the Atlantic Ocean, and—America! The good-bys were given us at the station. The guard shouted, "All aboard!" and I settled myself in the compartment, wondering why my aunt was crying, and counting the pennies in my pocket, with which I intended to buy some oranges in Liverpool.

That night we slept in a cheap hotel, where I recollect eating an uncountable number of hard-boiled eggs. A tram-car carried us to the dock, and before ten o'clock in the morning we were leaning over the side of the ship watching the fluttering handkerchiefs fade as a snow flurry fades. Then the tugs left us alone on the great deep.

Twelve days in a crowded steerage. Twelve days of rough February weather. The voyage is a memory of rice with currants in it, stifling berths, flat drinking-water, dismal evening concerts, fearful shrieks from the fog whistles, and finally the golden band in the distance—Nantasket Beach.

CHAPTER III

On my arrival in America I looked eagerly about for the glint of gold. It certainly was not to be seen on the black pilings of the dock or on the splintered planks of the customs shed. Neither could the Assay Office have extracted a pinhead of it from the back street we rode through to the crowded station. My uncle did not have gold in his pocket. He had some paper money of very small denomination—so small, in fact, that the customs officers had been reluctant to let us through into his hands, at first.

My Uncle Stanwood had become a mill-worker in America. On our arrival he took us to his boarding-house in New Bedford. This boarding-house was situated in the neighborhood of a colony of drab, dismal houses-all-alike commonly called tenements. On the morning after my arrival in America, before I jumped out of the bed, I speculated about what I should see if I sent the window shades flying upwards. I should not have been surprised if I had seen trees of chrysolites with all the jewels of Aladdin's cave dripping from their boughs, instead of the drab clapboards of drab tenements, with square chimneys and very dirty back steps. But never mind, I was in America, just the same! Chaddy was not!

At the breakfast table my heart welled with romance, and I could hardly eat what was set before me. I never stopped to hear from my uncle about his experiences in the land of freedom; how he had gone into the mill and was still in there and expected to be there many days hence. I wanted to step abroad and explore America, at least as far as the front yard.

"Take care of the American lads," warned my aunt as I made my hasty exit from the dining-room. "Be sure and not meddle with them."

The first American lads I came across wore round caps. Immediately I became self-conscious, for my head was topped by a cap with a visor. I hurried to a sheltered place, slashed off the visor, pulled out the threads, and went forth with a pert swagger, confident that I bore myself like a native born. But my conceit was short lived. Under a railway viaduct I was met by a lad of my own age, who, on seeing me, frowned, and then, grinning broadly within two inches of me, shouted, "'Ello, green'orn! Just come acrost, 'ast?" Whereat, knowing that he was heaping mockery and slander on my nation, I threw caution to the winds, threw my fist in the offending face, and was soon engaged in battle royal. The tussle did not last long, for, keeping up the English tradition, I freely used both feet and hands—a combination that put to naught all the pugilistic skill of my antagonist.

After a few days in the boarding-house Uncle Stanwood finally found a tenement for us, and furnished it. We followed our tin boxes, and Aunt Millie was overjoyed to be in her own kitchen once more, though she missed the fireplace and the stone floor of the old English kitchen.

To adapt ourselves comfortably to American "notions" required many days and much patience. When the produce man laughed at me as I ordered two pounds of potatoes and the yeast-cake man looked at me blankly when I ran out to his gold-decorated cart and ordered a pennyworth of "barm," I almost lost the hope of becoming nationalized, my dearest ambition. Learning to think as the American thinks, we had to discard many customs and tastes made dear to us by generations of use. Aunt Millie did not see how one could make a family baking from a yeast-cake an inch square and a quarter of an inch thick, when she, and her mother, and her mother's mother had always used a generous handful of "barm" for the same amount of bread. To learn how to eat baked beans, to put the emphasis more on dainties like pie, cake, and doughnuts than on potato pie and roasts, and to learn American money and keep straight with the peddlers—these habituations come only by patient adaptation.

On the outside, mixing with the boys and girls on the tenement steps, I found Americanization very easy—outwardly. I conceived it to consist largely in the ability to speak slang, to be pert in the presence of adults, and to hope to become President of the United States if by some chance my birthplace could be changed from England to the United States. I knew that I should not be in line for the full American spirit till I took my place in school. I spoke to my aunt about it. We had been living in America about two months at the time.

"Go to school!" shouted my aunt, incredulously. "What are you bothering me about school for? Education's for gentlemen's sons. You're a poor lad and must be thinking more about getting into the mill as soon as you can. How are we to pay for all these new things we have in the house and buy coal and wood besides? Seems as if a strong lad like you ought to be out after wood and coal. Mrs. McNulty tells me that her lads get her all she burns, and you ought to do the same. Never you mind about school!"

This conversation was followed by a consultation with Uncle Stanwood, who agreed to furnish me with a new express wagon for my work. Next followed a conference between my aunt and Mrs. McNulty, from which I learned that the McNulty boys, Pat and Tim, were to show me where to pick up wood and coal.

When shall we three meet again? Pat, Tim, and Al? With what generous impulses Pat and Tim hitched their wobbly wagons behind mine and had me pull them over the tar walks! Pat was the leader, and well he knew where a building was being reshingled or where coal was likely to be jolted from the railway cars. Our exploration for coal and wood carried us on dangerous spurs of track in the railway yards, to factory cinder piles just outside the gates in swampy, marshy land, on the streets where cobble pavings or defective crossings shook the coal wagons, and to the city dumping-grounds.

When the rain had poured all night, my aunt would greet me at the table with: "Now, Al, there's been a good rain, and it will have washed off the ashes from the cinders and clinkers, and you had better take a sack and see what you can get." True enough, as black as the seeds in a watermelon, and as numerous, the mill dumps would be covered with half-burnt coals. I never dared go home with a small sack, either. But I did not care to shirk my work, for my aunt always paid me five cents for about a bushel of cinders.

The Charles Street dumping-grounds, those nearest home, were miniature Alps of dusty rubbish, soon to be leveled to fill in a very miry, pestiferous, and stagnant swamp in which slimy bullfrogs gulped, and from which arose ever an overpowering and gassy nauseation from an oozy mud. This odor was twenty times increased, and accompanied by a choking dust of decay, when the loads were dumped from the wagons and our hoes and sticks were tossing every dusty rag into the air in our eagerness for a share in the buried booty. Here was the neighborhood Gehenna in which the Portuguese and Irish and Polish dwellers thereabouts flung all that was filthy, spoiled, and odorous, whether rats from traps, ancient fruit and vegetables, swill, empty cans, and the corpse of a pet animal or bird.

On the hills of ashy filth, up to the knees in it often when it had not been tramped down, a crowd always stood when the dump teams backed up high above the swamp and left their load. There was the Jew who came with his hand-cart to pick junk; there was a Frenchwoman, with her two-year-old, who was there to pick up any article of value she could find. There were Portuguese girls and Irish boys, English pickers and American pickers, all waiting to leap upon the heap of rubbish with short-handled clam hoes, pitchforks, sticks, stove pokers, and fingers. "Git on yer own side, will yer, or I'll give yer a punch in the plexus!" Tim used to scream at the venerable bearded Israelite who was after rags and bones and bottles. "Say, Geeser," Pat's commanding voice would come from the opposite side of the dump, "hand over to yer uncle that copper-bottom boiler or I'll smash yer phiz in!"

Plates and saucers, cups, tinware, bedclothes, footwear, nursing bottles and nipples, bottles containing settlings of blacking, cod liver oil, extracts, antiseptics, cordials, tonics, and all manner of emulsions and patent medicines, were seized in triumph and taken home in glee, and no doubt used in faith. There is little philosophy in poverty, and questions of sanitation and prudence come in the stage beyond it.

Life on the dumps was generally a return to the survival of the fittest. Tim's little fists were able to defend his rights against many a big bully three times heavier and twice older, for Tim was a fighter indeed. Pat and I were less skilled, but we never allowed ourselves to be imposed upon except when "Wallop" Smitz brought his crowd; then we were driven from the dump minus all the cinders we had picked, and often with our wagons much battered.

(To be continued in the Magazine Number for March)

Big Battles Against Disease

The Conquest of Germs

By Earl Mayo

The second of a series of articles in the preparation of which the author has had the assistance of eminent physicians, surgeons, laboratory workers, and scientific experimenters in the field of medicine and surgery. Other subjects will be: "Typhoid and Tuberculosis: The Public's Responsibility," "The Conservation of the Child," "The Cost of Disease."

ALMOST exactly a generation ago—in the year 1878—a discussion was going on at the Academy of Medicine in Paris on the subject of puerperal fever. This disease was then, and long had been, one of the dreaded scourges of motherhood. It attacked many women after childbirth, and resulted fatally in a vast proportion of cases. In some hospitals from seventy-five to eighty per cent of those who contracted the fever died. Much of the terror with which the women of the poorer classes regarded public lying-in hospitals was due to the great number of deaths from this cause. The disease seemed to move in waves. Sometimes it was necessary to close the maternity wards of hospitals to rid them of it. Physicians themselves, in not infrequent instances, were forced to discontinue attendance at childbirth cases for weeks at a time, because almost every mother they attended was attacked by puerperal fever. Naturally such a baffling malady attracted much attention from the medical profession, and many hypotheses were put forward to account for it.

At this meeting in Paris an elaborate paper dealing with puerperal fever and attempting to explain the causes of its spread in hospitals was being presented by an influential Academician. One of the newer members of the Academy interrupted the lecturer. "None of these things cause the epidemic," he asserted quietly. "It is the nursing and medical staff who carry the microbe from an infected woman to a healthy one." "I fear that microbe never will be found," contemptuously replied the older Academician. Accepting the challenge, his critic, whose name was Louis Pasteur, advanced to a blackboard in the chamber, drew upon it a chalk picture in highly magnified form of the minute organism since made familiar to the medical world as the *Streptococcus*, and pointed it out as the culprit directly responsible for the disease.

Pasteur was not the first man to hold the belief that the physician, traveling from one case of childbirth to another, in some way carried the dreaded childbed fever with him. Dr. Oliver Wendell Holmes, now better remembered for his contributions to literature than as a physician, had advanced the idea, and many other physicians had been so impressed by the same possibility that they changed their clothing and took other precautions in passing from one case of childbirth to another. What Pasteur did was to make a certainty of this more or less vague surmise by identifying the agency by which the disease was transmitted from one person to another. As a result of this discovery, and of the precautions that have been taken to guard against it, puerperal fever has been changed from a very common to a comparatively infrequent disease, and the greatest single danger connected with motherhood has been removed.

In tracing the advance of modern surgery we noted that its rapid progress began with the investigations of Lister, himself a surgeon of distinction. The great modern advance in medicine, so far at least as what are known as germ diseases are involved, dates back to Pasteur, a man who was not a physician but a chemist, whose investigations were of rare importance in a variety of fields, both in pure and applied science, in medicine, and in industrial pursuits. In fact, the impetus to Lister's experiments which resulted in the antiseptic method of treating bodily wounds and injuries came from previous investigations by Pasteur, so that both in medicine and surgery the inception of the greatest progress that has ever been recorded in curative and preventive measures is due to the famous French scientist.

Although the demonstration of the soundness of the germ theory of disease dates back to the experiments of Pasteur, and therefore is about a generation old, the existence of bacteria has been known for a much longer period. The first observation of these minute organisms was reported two centuries and a quarter ago, but it was not until the time of Pasteur and his contemporaries that the systematic study of them, their habits, the conditions under which they flourish, and the effect upon the bodily tissues of certain members of the family, was undertaken. The result is that within the span of an average lifetime we have learned both the specific causes and the successful methods of combating several diseases before which the practitioner formerly was almost helpless.

It is not surprising that the scientific world should have waited so long for exact knowledge of the connection between various forms of bacteria and certain diseases, in view of the difficulties of isolating and studying organisms so infinitesimally small. To understand how the character and mode of living of various forms of bacteria are learned and utilized in preventing or conquering disease a brief explanation may be helpful. The name bacteria in its Greek derivation means literally "little sticks" or "little rods," and was applied because some of the common forms of bacteria are rod-shaped. Others are round, spherical, and spiral-shaped. Their exceeding smallness may be appreciated from the fact that fifteen hundred of the little rods laid end to end would reach barely across the head of a pin. Most of them are of a pale, translucent appearance, which makes it difficult to define their exact outlines, and in order to observe them to advantage it is usually necessary to stain them with some bright-colored dye. Bacteria are vegetable and not animal parasites, though at first they were supposed to belong to the animal kingdom. There are, however, equally minute animal growths which are responsible for certain diseases. These are called protozoa.

If some one particular form of bacteria were found inhabiting a particular spot, either a portion of the bodily tissues or any other single locality, to the exclusion of all other forms, it would be a relatively simple matter to learn something about them in this habitat. Generally speaking, however, wherever we find germs we find a bewildering variety of them. It is necessary, therefore, to separate them in order to isolate the particular one in which we are interested, and then to propagate a family from this one in some material where they will flourish and where they will be secure from outside interference. For this purpose a gelatine plate is most commonly used. The single germ placed in this transparent gelatine multiplies by the simple process of dividing in half, each of the parts repeating the process progressively, so that it has been computed that a single bacterium will produce sixteen million of its kind in the space of a single day. These families, or colonies, growing at this tremendous rate, may then be examined and tested as to the various requirements of heat, moisture, and food which they demand in order to do their work.

While there are hundreds of forms of bacteria (or germs, to use the more popular designation), the great majority of these are beneficent, and their work is absolutely necessary to sustain life in the world. A minority are maleficent and seem to be the sworn enemies of man or of some one or more of his fellow-creatures in the animal kingdom. Many kinds of bacteria will not attack living organic matter; others thrive only in such tissue. In studying the cause and cure of bacterial diseases, therefore, it is necessary to eliminate the former and to pay attention only to those germs which are disease-producing, or pathogenic, to give them their medical name.

To determine, out of a multitude of germs, which kind is responsible for a particular disease, several procedures are necessary. The suspected germ must be isolated, cultures must be made from it, and the disease must be produced in healthy tissue by the introduction of these bacteria. Furthermore, it must be shown that no other germ, under similar treatment, will produce the disease. To accomplish this, simple as it is in the telling, requires, first, long and careful research in biological laboratories, and, second, actual tests of the various bacteria upon living organisms. To inject into human beings germs that may produce serious and even fatal disease is not regarded as permissible, unless there is no other possible means of determining the result. Fortunately, such a means is at hand in the existence of numerous animals the bodily structure of which so far resembles that of man that results observed from the action of bacteria in the former apply accurately to the latter. In many cases animals are better adapted to experimental investigations than are men, even if the latter were available. It so happens, therefore, that guinea-pigs, rabbits, cats, dogs, and in a few cases horses and monkeys, have been the means of giving us the knowledge with which to conquer disease. The advances which have been achieved by experiments on animals could not have been made in any other way. In the pre-experimental period, when knowledge of diseases was based solely upon clinical observations, the treatment employed was mainly a treatment of symptoms, while now the method employed strikes directly at the disease itself by overcoming or removing its cause.

In a number of infectious diseases it has been found possible to assist in overcoming the attack or to confer immunity from attack by utilizing the method which the body employs for its own defense. The only way in which diseases of this class are transmitted is by the introduction into the body of the bacteria giving rise to them. Once in the body, these bacteria attack certain organs, interfering with their functions and, if unchecked, ultimately destroying them entirely. Since these infinitely small parasites multiply with tremendous rapidity, it would seem that the logical outcome of every case of a microbic disease must be death. As the attack of the disease-breeding horde increases in violence, however, the body in some mysterious way, probably through the actions of various lymph glands, marshals an opposing force, which in turn attacks the invaders.

If this resisting force is developed with sufficient rapidity, power, and vigor, it finally overcomes the pathogenic bacteria and eliminates the disease. In view of the protective nature of this process, it seems reasonable to suppose that if a mild form of the disease can be induced it will lead to the development of resisting power which will prevent the bacteria from making any headway. Or, if the serum in which has been developed the antitoxin, the force which opposes the toxic (poisonous) effects of the bacteria, be injected into a person in the early stages of the disease, it may act as an antidote to the poison produced by the action of the attacking parasites. The former of these methods is employed in vaccination to prevent smallpox, the latter in the administration of diphtheria antitoxin to overcome diphtheria.

Smallpox was the first contagious disease to be brought under control by this method. In this instance the discovery was due primarily to observation, and not to experiment, although the hypothesis adopted to account for the immunity of certain persons from the disease was based on the results of a long series of what may be called unconscious experiments on animals and on human beings, and in verifying this hypothesis experiments on both cows and men were used. The story of the discovery of a preventive of smallpox is a somewhat familiar one, but it is worth repeating briefly.

It had long been the belief in dairying communities that persons who contracted cowpox—usually from having cuts or sores on their hands when milking—were rendered immune to smallpox. In 1796 Jenner verified this by inoculating a boy from a cowpox vesicle on the arm of a dairymaid. Afterward the boy was inoculated with the virus of smallpox, but without contracting the disease.

To understand the wonderful decrease in the prevalence of smallpox after the introduction of vaccination, it is necessary to realize the fearful ravages of the disease in the preceding period. It was the worst scourge of the middle centuries. It was as prevalent in most countries as is measles to-day. In the eighteenth century it was estimated that eighty-five per cent or more of the population of European countries were attacked by it at some stage of their lives, and the mortality was especially heavy among children. An authority on the history of the American Indians asserts that fully one-half of the estimated population of twelve millions, or six million persons, were killed by smallpox following its introduction into America.

After the adoption of vaccination a rapid falling off in the number of cases of smallpox and a decided lowering of the rate of mortality were observed. In Sweden, a country in which mortality records were kept, the number of persons dying yearly from smallpox averaged over two thousand to each million of population for the twenty-eight years preceding the adoption of vaccination. For the forty years following its introduction the annual average was one hundred and fifty-eight to each million. Similar results were observed wherever vaccination became general.

At the present time those nations which make vaccination compulsory are free from epidemics of smallpox, although a few cases of the disease are to be found at almost any time in any of the great cities. In countries where this preventive measure is not enforced by law the scourge still strikes down its tens of thousands in its epidemic sweep at frequent intervals. In the five years from 1893 to 1897 there were a little less than 350,000 deaths from smallpox in the sixteen principal countries of Europe. Of these, almost four-fifths were in Russia, while of the remainder six-sevenths were in the countries of southern Europe in which there is no general enforcement of vaccination. In Germany, where vaccination is practically universal, with revaccination required at stated intervals, the deaths from smallpox were only one and one-tenth to each million of population, while in England, where vaccination is general but not universal, the average was twenty and two-tenths to each million.

In the United States the statistics of the disease are not so complete as in some European countries, but vaccination is generally practiced upon children in the schools, and it is a matter of common knowledge that smallpox cases are very few and that those few are to be found chiefly in the big cities. Perhaps the most striking illustration of the effect of general vaccination to be found in American territory is provided by the Philippines. Before the American occupation smallpox was always present in the islands and destroyed a vast number of lives. Within the past few years more than three million vaccinations have been performed by the American health authorities, and the disease has been almost stamped out in the populous sections where formerly its ravages were the worst. It is noteworthy, too, that there was not a single death or a serious case of infection as a result of these three million operations.

In spite of the testimony which the successful experience of more than a century affords, and in spite of the fact that smallpox virtually has been stamped out in those countries in which vaccination is insisted upon, there are many persons still who deny the efficiency of vaccination and protest against its compulsory requirement. Almost every year bills are introduced in the legislatures of various States which have compulsory vaccination laws providing for the repeal of these laws, and health officers sometimes encounter forcible resistance in attempting to carry out their provisions. In general, however, the conclusions rendered obvious by the experience of the past are accepted, and the laws contain provisions not only for enforcing vaccination but also for assuring a supply of pure vaccine, for which the humble calf is still relied upon to protect mankind from its once-dreaded scourge. In the United States the regulation of vaccine production is in the hands of the Federal authorities of the Marine Hospital Service.

By no means all the disorders known to be caused by microbes have as yet been conquered by serum treatment. The more familiar diseases in which the parasitic cause has been identified are tuberculosis, pneumonia, diphtheria, typhoid fever, lockjaw, blood-poisoning, malaria, sleeping sickness, bubonic plague, cholera, dysentery, and cerebro-spinal meningitis. There are several other diseases which, though not yet proved to be caused by germs, present such striking evidences of parasitic action that there is no doubt in the minds of most investigators that they belong in the class of such diseases. Among them are scarlet fever, measles, yellow fever, rabies, and infantile paralysis.

The diseases of this class in which the greatest progress has been made are diphtheria, lockjaw, cerebro-spinal meningitis, tuberculosis, yellow fever, malaria, and rabies. In some the progress has been accomplished chiefly by defining and introducing preventive measures; in others the disease itself has been attacked and cured. Of the entire list of curative measures, however, no other has resulted in such an immense saving of human life and human misery as the antitoxin treatment of diphtheria.

This disease has been one of the terrors of humanity for hundreds of years. It was regarded with the greatest dread because of the swiftness and deadliness of its attack. It caused more poignant sorrow than perhaps any other infectious disease, because its favorite target was youth, although cases among adults were by no means rare. Those who have reached even middle age can doubtless recall the fear and anxiety that an outbreak of diphtheria caused and how whole communities were decimated and families robbed of their children by its destructive sweep.

Though it had been known for a long time that diphtheria was a highly communicable disease, it was not until 1884 that the diphtheria bacillus was fully identified. Its isolation and identification were made particularly difficult by the fact that bacteria of many kinds swarm in the throats of both healthy and sick persons. A German scientist, Loeffler, succeeded in weeding out from its scores of fellows the particular rod-shaped specimen of bacteria responsible for diphtheria, in making a culture from it, and in producing diphtheria in a rabbit by rubbing the cultured bacilli on the rabbit's throat.

Doubt was cast upon the accuracy of this discovery a little later when it was found that almost identical bacteria were present in the throats of persons who clearly did not have diphtheria. It was found, however, that, though outwardly indistinguishable, the difference between these two forms always could be detected by the inoculation of animals, since only the bacillus that had been identified as the cause of diphtheria produced the disease when guinea-pigs or rabbits were inoculated with it. Thus an unfailing means of detecting diphtheria was provided by the test upon animals of the bacilli from any suspected case.

This, of course, was only a starting-point from which to work out the cure of the disease. By experimenting with diphtheria bacilli growing in broth where they could be kept under observation it was found that as these bacilli developed they gave off a powerful poison. By injecting this poison in small but repeated doses into animals it was discovered that they developed the power of resisting the toxic effect of the injection to such a degree that when a small quantity of the blood serum was drawn off from the animal so immunized it acted as an antitoxin —that is, as an antidote to the poison of the diphtheria bacillus—in other animals or in human beings in whom it was injected. Not only was it proved that the inoculation of such persons in good health protected them from diphtheria, although in close contact with it, but when it was injected into persons suffering from the disease it greatly improved their chances of recovery.

Horses were found to be best adapted to use in developing diphtheria antitoxin, because a single animal will produce a large quantity of the protective serum. The antitoxin, as its name indicates, acts directly upon the poison produced by the diphtheria bacilli, rendering them harmless. Its effect may be observed if a small amount of the serum is introduced into a tube containing the poisonous matter given off by the bacilli. The virulent product is at once rendered harmless and can be placed in the throat without any injurious effect. In view of this direct action of the antitoxin, it follows that its administration is much more beneficial at the beginning of the disease than after it has reached an advanced stage, since it cannot repair the damage to the bodily tissues that has taken place. Statistics prove this by showing that the mortality is much less if the antitoxin is administered the first or second day of the disease than if it is given later.

It required ten years of study and experiment with the diphtheria bacillus to establish these facts regarding it, so that, while the cause of the disease was determined in 1884, it was not until 1894 that the use of antitoxin became general. A great decrease in the mortality from diphtheria immediately appeared wherever the serum was used. In the city of New York the deaths from diphtheria and croup to each 100,000 of population for the ten-year period from 1884 to 1894 averaged 152, while for the succeeding decade, after the introduction of antitoxin, the average was only 66, or less than one-half that for the previous period. In 1905 the average was only 38 to each 100,000 of population. Reports of the London hospitals show that the case mortality of diphtheria—that is, the percentage of cases resulting fatally—has been reduced from 40 per cent in 1889 to less than 10 per cent in 1907. In New York City alone the use of the antitoxin is computed to save no less than 3,000 lives every year, a total saving for the whole country, if the same conditions hold true, of upwards of 100,000 lives that would be sacrificed yearly to this scourge except for the discovery of this means of combating it.

Though less widespread than diphtheria, a disease that was far more fatal—that is, that killed a larger proportion of those whom it attacked—was cerebro-spinal meningitis. Even in cases where it did not terminate fatally the disease frequently left its victims crippled either mentally or physically, so that their lot was little better than that of those who were killed outright. During the past few years, especially from 1904 to 1908, the disease became epidemic both in Europe and America, and the great number of cases, together with the frightful effects of the disease, caused scientists to exert themselves to discover some means of curing or preventing it.

Cerebro-spinal meningitis is a disease of the spinal cord. The bacteria which cause it infest the fluid matter in the spinal passage, and as they multiply they spread upward to the brain. It has not been determined absolutely through just what channels they gain access to this part of the body, but the indications are that the membranes of the nose and throat are the avenues of entrance. The suffering of the victim of the disease is most acute. It is noteworthy, however, that when the disease was transferred to animals, as to the monkeys used in certain experiments to determine the efficacy of serum treatment, they were put into a stupor resembling intoxication, and apparently underwent no suffering of any appreciable extent.

The first step toward conquering the disease naturally was to locate its cause, and this was accomplished by German scientists, who identified the bacterial agent responsible for it, to which the imposing name of *Diplococcus intracellularis* has been given. Following this discovery Dr. Simon Flexner, Director of the Rockefeller Institute, assisted by Dr. Jobling, of the same institution, undertook to determine whether the inoculation of animals with successive doses of the *Diplococcus intracellularis* would result in the development of a resisting force or anti-serum which would aid in overcoming the disease in man. The investigation encountered many difficulties, but at length it was demonstrated that if a series of inoculations from cultures of meningitis bacteria are made beneath the skin of a horse in various parts of its body, the blood serum of the horse, after several weeks of this treatment, will neutralize the poison given off by these bacteria in the body, and thus will aid in overcoming the disease. As soon as cerebro-spinal meningitis manifests itself in a patient now the physician makes a tiny puncture in the spinal cord in the lower part of the back, draws out a portion of the cerebro-spinal fluid to allow space for the injection of the serum without increasing the pressure too greatly, and administers a small quantity of the serum. If the treatment is begun early in the progress of the disease—during the first three or four days—the chances of recovery are three out of four, or, if the patient has youth in his favor, four out of five. Before the use of the serum, or at the present time without its use, the statistics of the disease show the chances of recovery to be only one out of four.

In the course of the experiments which resulted in changing the handicap of the person attacked by this disease from the side favoring death to one equally favorable to life, Dr. Flexner and Dr. Jobling used twenty-five monkeys and one hundred guinea-pigs, none of which suffered any acute pain. As against this sacrifice of animal life records have been collected of over one thousand cases of cerebro-spinal meningitis in which the serum has been used with a saving of five hundred or more lives that would have been lost except for this discovery. An important consideration, moreover, is that in cases where the serum is used the crippling bodily and mental effects so commonly found where the disease is allowed to run its course unchecked are seldom seen.

A disease in some respects comparable to cerebro-spinal meningitis, except that, as its name indicates, it is confined to young children, is infantile paralysis, or, to give it its scientific name, poliomyelitis. Its seat is in the spinal cord and the brain, and, while not usually fatal, it results in injuries to the nervous system and often leaves nerves paralyzed, muscles shrunken, and bodies deformed or stunted in growth. Like meningitis, the disease is epidemic at intervals, and in 1909 and 1910 there was an epidemic of it in Europe and America which was especially severe in the eastern part of the United States. Dr. Flexner and Dr. Lewis, of the Rockefeller Institute, undertook the investigation of this disease, and by a series of inoculations and transfers succeeded in producing immunity to it in a number of monkeys, thus paving the way for the remedy's application to human beings. A peculiar difficulty encountered in studying this disease arose from the fact that it is caused apparently by a bacillus so small that it is invisible under the microscope and will pass through a porcelain laboratory filter. That it should have been possible, in dealing with this infinitely small, ungraspable, and invisible enemy of man, to determine its existence, to transfer it from human beings to animals and from one animal to another, and to devise means of opposing it successfully is to the lay mind not merely a wonderful achievement but one scarcely understandable.

One of the compelling influences that have led to the widespread agitation for a " sane " celebration of Independence Day has been the large crop of deaths that yearly followed the Fourth of July. A great proportion of these deaths was due to tetanus or lockjaw, although the disease was by no means confined to this one season. Investigations utilizing experiments upon animals determined the fact that this disease was caused by bacteria which entered the wounds acquired in setting off fireworks, or in other ways, along with particles of the dirt in which the tetanus germ thrives. By experiments on animals a serum has been developed which is used successfully to inoculate persons suffering from wounds suspected of containing tetanus germs. This serum has been used with success also in some cases after signs of the disease have begun to appear. The chief value, however, of the knowledge that has been gained of the nature and habits of tetanus bacilli has been in enabling measures to be taken for preventing their introduction into the body and in encouraging prompt recourse to vigorous antiseptic measures in the case of injuries likely to be accompanied by infection from the bacilli of tetanus.

Perhaps no other disease, not excepting even the bubonic plague or yellow fever, is regarded with such horror as rabies, the microbic character of which is almost universally accepted by physicians, although the active agent responsible for it has not been identified with absolute certainty. The terror in which rabies is held is due partly to the certainty of a fatal termination, once the disease has developed, and partly to the horrible agonies that its victims undergo. The mortality from rabies has been greatly reduced, however, by means of the serum treatment originated by Pasteur. This treatment is a preventive, not a cure. If administered within a short time after a person is bitten and during the period of incubation of the disease in the body, the mortality is only about one-half of one per cent. After the symptoms have developed, however, there is no known cure for rabies, and the victim dies after the most agonizing mental and physical tortures conceivable.

The existence of rabies in any country is an indictment of the public intelligence, for it is a disease that can be stamped out and kept out. By the enactment of a strict muzzling law and a rigid quarantine of dogs entering the country, Great Britain has practically put an end to rabies. Likewise in the Scandinavian countries there have been no cases of rabies for many years. In the United States the regulation of dogs is left to local authorities, with the result that even those communities which erect safeguards against the disease are to a certain extent at the mercy of others that are more lax in dealing with this subject.

It has been said repeatedly that except for the work done by American medical men in overcoming yellow fever the building of the Panama Canal would be impossible. If malaria be included with yellow fever, the statement is doubtless broadly correct, for malaria has been even a greater foe to progress in the tropical regions than has yellow fever. Considering its greater range, it probably has been responsible also for a higher total of human suffering and a greater loss to the sum total of possible human achievement. These two diseases may properly be considered together, for the reason that both are transmitted by mosquitoes, though by different species of this insect pest. There are essential differences between the two, however, and also between them and the other diseases that we have been considering. The cause of malaria has been definitely determined. It appears that this is not a bacterial but a protozoan disease, which means that it is due to a minute animal parasite and not to an equally small vegetable parasite. The distinction is interesting to scientists, but not especially important to the ordinary person, who is more concerned with avoiding diseases than with knowing their precise causes. Yellow fever has not been traced down to an equally definite cause, but we know how it is transmitted from one person to another, so that it is possible to devise equally effective means for preventing its spread.

The story of the overcoming of yellow fever is one of the hero tales of medical progress. It illustrates better than almost any other communicable disease the conditions that we should have to face if we were denied the use of animals for experimental purposes. Yellow fever, so far as known, cannot be transmitted to animals. As a consequence the only means of proving its transmission by the mosquito, which scientific investigation had singled out as its probable carrier, was to carry out these tests on human subjects. When the point was reached where this supreme test was necessary, it is noteworthy that there was no lack of volunteers, and a number of men—soldiers as well as physicians—risked their lives and underwent attacks of fever as the result of mosquito bites in order that the truth might be known and that this scourge of mankind might be abated. In the words of ex-President Eliot, of Harvard, engraved upon the memorial tablet erected in the Johns Hopkins hospital to Dr. Lazear, one of the martyrs to this great sacrifice in behalf of humanity, "With more than the courage and the devotion of the soldier, he risked and lost his life to show how a fearful pestilence is communicated and how its ravages may be prevented."

The mosquito theory of yellow fever transmission is now fully established, but there were tremendous difficulties in the way of its determination. These may be better appreciated when it is understood that out of the hundreds of different kinds of mosquitoes only the female of a single variety carries yellow fever. Moreover, this mosquito, twelve days or more earlier, must have bitten a person suffering from yellow fever during the first three days of the illness. All these requirements made it difficult to trace the origin of the disease, but they did not prevent the disease itself from spreading with tremendous rapidity once an outbreak had occurred in any locality. Instead of screening yellow fever patients so that mosquitoes could not gain access to them, the earlier method adopted to prevent its spread was to quarantine travelers and to disinfect their clothing, or to have the border line of the community patrolled by men armed with shotguns to prevent the bringing in of such harmless freight as hardware, while the mosquito flew freely wherever it pleased.

The doctors who studied yellow fever and their lay assistants first disproved the popular belief as to the method by which the disease is transmitted by sleeping in the beds and wearing the clothes of those who had died from it, and even inoculating themselves with the excreta of its victims, without contracting the disease. The next step was to expose themselves to the bites of infected mosquitoes, and this resulted, in nearly every case, in the development of the disease, although other persons separated from them and from the mosquitoes only by a screen did not contract it.

As a result of this discovery a vigorous campaign was undertaken against yellow fever in Havana, which had never been free from it during more than a century, and in which the death rate from the disease had risen as high as 600 out of every 100,000 of population. In 1900, the year in which the mosquito theory was fully established, the deaths were 124 to each 100,000. In 1901, as a result of the measures adopted under the direction of Colonel W. C. Gorgas, the mortality fell to less than seven in each 100,000, and during the three years following there were no deaths from yellow fever in Havana. In 1905 a few cases reappeared, but, though the vigilance of the preventive measures adopted by the American officials was relaxed somewhat under the Cuban administration, Havana has remained practically free from the disease, though formerly it was one of the pest spots of the Western Hemisphere.

In the case of malaria, investigations by Major Ronald Ross in India showed the existence of the protozoa of malaria in the stomach of a certain species of mosquito —the *Anopheles*. This was in 1895. Step by step the progress of the minute organisms was traced. It was found that they underwent certain changes in the body of the mosquito, and that they traveled within a certain number of days from the stomach to the proboscis of the insect. Finally, in 1901, a German observer saw them pass from this point into the red blood corpuscles. Meanwhile other investigations had determined that human malaria could not be transmitted to animals, that, in fact, it existed only in man and in the anopheles mosquito, and that it passed from one to the other. The obvious remedy was to destroy the mosquitoes, so far as possible, in their breeding-places, and to screen malarial sufferers so that mosquitoes could not gain access to them. The adoption of these measures has made many of the world's plague spots comfortably habitable, has greatly reduced the dreaded fever of the Roman Campagna, and has robbed life in tropical and sub-tropical regions of one of its worst terrors. Much remains to be done, for the draining of swamp lands and the killing off of mosquitoes, which ultimately will banish malaria together with its cause, is a good work scarcely more than begun.

There are a number of other protozoan diseases of men and animals which have been shown by recent investigations to be transmitted by the bite of insects. One of these is the sleeping sickness, which has been studied extensively in Africa in recent years. Experiments have proved that it is caused by a biting fly similar to the tsetse fly, which is responsible for a widespread disease of cattle in the same continent. Other diseases carried in similar fashion are typhus and dengue and certain fevers which prevail in India. In all of these the determination of the cause has been arrived at by experiments on animals, and has pointed the way to effective preventive measures.

Two diseases that have been terrific scourges to many parts of the world on account of their rapid spread and their very high mortality rate are the bubonic plague and Asiatic cholera. While the United States never has been seriously invaded by the former, and not for many years by the latter, cases of both have been brought to various ports and even into the country, while plague scares and cholera scares have prevailed within the memory of most persons.

A vast deal of study and experiment has been devoted to these two afflictions of humanity. By experiments on guinea-pigs and other animals, reinforced by observations on plague victims, the manner in which the plague bacillus is carried from infected rats to human beings by a small flea has been determined. A serum treatment has been worked out which has been employed with success under certain conditions, but the great lesson taught by these experiments has been the necessity of destroying rats to prevent the spread of the disease to uninfected communities. Similarly in the study of cholera the adoption of the experimental method has resulted in the development of a serum which is used for the protection of persons exposed to the disease, and it has been of value also in indicating the means to be adopted to prevent the spread of the disease.

One of the diseases of known bacterial origin which is still responsible for a great number of deaths is pneumonia. The agent of this disease, the *Pneumococcus*, has been fully identified, and attempts have been made to apply the serum method of treatment, but thus far with indifferent success. The subject is one that is being studied by scientists with great care and thoroughness, and it is hoped that in time the measures now applied for the relief of persons suffering from pneumonia may be supplemented by a process of specific therapy, as has been the case in the diseases referred to earlier in this article.

Notwithstanding the vast benefits which it has been demonstrated that scientific effort, working through the method of experimental investigation, has conferred on mankind, there are many persons still who deny absolutely the value of serum therapy. The thousands of lives saved by Pasteur's treatment for the prevention of rabies, the vast reduction in deaths from diphtheria, the sufferings which the victims of cerebro-spinal meningitis have been spared, and the great results that have been obtained in other diseases—all are ignored by them. It is from these deniers of demonstrated scientific truth, few in number, but energetic in asserting their views, that the opposition to vaccination chiefly arises. It is they also who are mainly responsible for the organized opposition to the use of animals in experimental research, masking their real opposition to the acceptance of the germ theory of disease under the guise of sympathy for the imaginary sufferings of the animals used in these experiments.

While microscopical studies and the use of animals in experimental work have resulted in remarkable progress in checking or overcoming some of the worst diseases that have ever afflicted mankind, the field still to be explored is far greater than that which thus far has been conquered. There are many serious diseases the causes of which have not been determined, and others as to which, while the causes are known, no effective methods of overcoming them have yet been devised. With more and more men and institutions devoting themselves to the investigation of the causes and cure of disease by study of its origin and the methods of its propagation rather than by observance of its symptoms, there is every reason to hope that the next twenty-five years will witness as great progress as the past quarter-century, or even greater, and that many ills which now slay their millions annually will be brought under the control of advancing knowledge and skill.

Some Questions Answered

IT is physically impossible for the editors of The Outlook to answer personally the great volume of letters which they have received expressing genuine concern with regard to the public attacks which are made upon Mr. Roosevelt from time to time and asking for the facts. As it is natural for those who are interested to turn to The Outlook for correct information, and as the volume of correspondence has now become so large as to be a great burden, we think it proper to give to our readers in our own columns in this way the information which so many of them are seeking by personal letters. The three charges against Mr. Roosevelt which, it appears from this correspondence, have excited the most concern are: First, that Mr. Roosevelt "straddled" the tariff question in the late campaign by speaking in one vein in the West and in another vein in the East; second, that while President he accepted services from the Pennsylvania Railroad amounting in value to $100,000, and declined to pay a bill when it was presented to him; and, third, that he has withdrawn from the stand which he took in his discussions with Judge Baldwin, now Governor of Connecticut, escaping by this withdrawal a libel suit which Judge Baldwin several times publicly asserted that he proposed to bring against Mr. Roosevelt, in order to teach the latter due respect for the law. These three charges we answer as follows:

I—The Charge of Compromise

The charge that Mr. Roosevelt assumed two different attitudes in the West and in the East is very simply disproved by comparing as we do in the following parallel columns what he actually said. From such a comparison it will be seen that Mr. Roosevelt not merely said the same things in substance, but often in identical phraseology, in his Western and Eastern speeches.

EXCERPT FROM SPEECH AT SARATOGA, NEW YORK

President Taft's Administration is to be commended for "the establishment of the maximum and minimum tariff provisions, and the exceedingly able negotiations of the Canadian and other treaties in accordance therewith; the inauguration of the policy of providing for a disinterested revision of tariff schedules through a high-class commission of experts which will treat each schedule purely on its own merits with a view both to protecting the consumer from excessive prices and to securing the American producer, and especially the American wage-worker, what will represent the difference of cost in production here as compared with the cost of production in countries where labor is less liberally rewarded; each schedule to be revised separately and on its merits."

EXCERPT FROM SPEECH AT SIOUX CITY, IOWA

I have been greatly pleased with what the President said in his last letter on the subject of the Tariff Commission. A number of Senators and Congressmen have for many years advocated this as a proper method of dealing with the tariff; and the country seems now definitely to have awakened to the idea that a Tariff Commission offers the only solution of the problem which is both rational and insures absence of jobbery. The President from the beginning advocated this Commission, and the amendment proposing to provide for such a Commission in the Tariff Bill under consideration in the Senate was introduced by your own Senator here, Senator Dolliver. . . . It was only by a bitter fight that the Commission idea was embodied in the bill. It is not yet in satisfactory shape. The Commission should be enlarged and defined, and any changes made that will make its work more effective from the standpoint both of the Executive and of Congress. But the establishment of it even in its present form marks an excellent beginning in the right direction. Moreover, the value of the Commission has been made real by the action of the Administration in treating in broad fashion the law that provided it. There is another feature of the Tariff Law which is admirable, and points our course in the right direction—the maximum and minimum provision. And here again I wish to point out that the value of the provision has depended largely upon the excellent work done by the Administration in negotiating with foreign powers for its application, especially the negotiations with the Dominion of Canada, which were the most difficult of all and yet in my eyes the most important, because I esteem it of vital consequence that we should always be on relations of the highest friendship and good will with the great and growing nation on the north. In addition it was of real importance to do as the present Tariff Bill did in making satisfactory our tariff with the Philippines. . . . I can put my position on the tariff in a nutshell. I believe in such measure of protection as will equalize the cost production here and abroad: that is, will equalize the cost of labor here and abroad. I believe in such supervision of the workings of the law as to make it certain that protection is given to the man we are most anxious to protect—the laboring man.

EXCERPT FROM SPEECH DELIVERED AT CONCORD, NEW HAMPSHIRE

This Republic of ours is definitely committed to the policy of protection, but it is protection as a principle, and not as a jumble of preferences. We are all agreed as to the principle that the tariff shall be such as to make up for the difference in cost of production here and abroad, so that our people, and especially our laboring men, shall not be brought into unfair competition with those whose standard of living is lower. That is the principle. The only differences that have obtained have been as to the methods of having that principle applied in law. The old methods have been found ill adapted for the purpose; the old methods have shown they cannot be relied upon; and so here you propose, in your platform, to adopt the unquestionably right method, to have a non-partisan, permanent, expert tariff commission which shall find out the facts by honest and careful inquiry, so that Congress shall then act on schedule after schedule by itself and without the log-rolling in Congress and the disturbance outside of Congress in the business world that inevitably accompany a sweeping change of all the schedules at the same time.

EXCERPT FROM SPEECH AT SIOUX FALLS, SOUTH DAKOTA

Whenever men just like ourselves—possibly not much better, but probably not in the least worse—continually fail to give us the results we have a right to expect from their efforts, we may just as well make up our minds that the fault lies, not in their personalities, but in the conditions under which they work, and profit comes, not from denouncing them, but from seeing that the conditions are changed. This is especially true of tariff-making. It has been conclusively shown, by experiments repeated again and again, that the methods of tariff-making by Congress which have now obtained for so many years cannot, from the very nature of the case, bring really satisfactory results. With the present tariff, made by the same method as its predecessor and as that predecessor's predecessor, there is grave dissatisfaction. The people know that there are some things in it which are not right, and therefore they tend to suspect the, as I think, more numerous things in it which are right. They know that the system on which it was made, the same system on which its predecessors were made, encourages a scramble of selfish interests, to which the all-important general interest of the public is necessarily more or less subordinated. There was a time when this scramble was regarded as the natural course in tariff-making, and was not resented. The people demand, and rightly, that the profit of the special interests shall be subordinated to the general welfare in every case. It is this attitude—practically a new attitude—of the people which must be met in dealing with the present tariff. Very little improvement, indeed, will follow any attempt to revise the tariff by methods hitherto used. The thing to do is to change the methods. I believe that this country is fully committed to the principle of protection; but it is to protection as a principle; to protection primarily in the interest of the standard of living of the American workingman. I believe that when protection becomes, not a principle, but a privilege and a preference—or, rather, a jumble of privileges and preferences—then the American people disapprove of it. Now, to correct the trouble, it is necessary, in the first place, to get in mind clearly what we want; and, in the next place, to get in mind clearly the method by which we hope to obtain what we want. What we want is what I have already said—a square deal in the tariff as in everything else; a square deal for the wage-earner, a square deal for the employer, and a square deal for the general public. To obtain it, we must have a thoroughly efficient and well-equipped tariff commission. The tariff ought to be a material issue, and not a moral issue; but if, instead of a square deal, we get a crooked deal, then it becomes very emphatically a moral issue.

EXCERPT FROM SPEECH DELIVERED IN BOSTON, MASSACHUSETTS

Now, in the first place, I want to make clear something as to which there seems to be a little obscurity in the popular mind. On the Republican side there is no difference whatsoever as to the principle to be observed. In every State of this Union the Republicans are a unit in adherence to the principle expressed two years ago in the National Republican platform, that there shall be such measure of protection as will equalize the cost of production here and abroad, which means practically, on account of the enormous share in that cost of the labor cost, that we shall equalize the cost of labor—the difference in the cost of labor—here and abroad.

All through the Union that is the doctrine of the Republican party. The difference has merely been as to the way of achieving the common purpose, and more and more we are coming into complete agreement as to the method of achieving that purpose.

Our people, then, are agreed upon the principle after which we shall strive; they are coming rapidly to a complete agreement as to the method to be observed, and you, in your plank on the tariff here in Massachusetts, have expressed admirably what that principle ought to be.

You say: "We commend the establishment of a tariff board. We approve of the construction which President Taft has placed upon its powers and duties."

President Taft, in this matter, has initiated the policy to which our party, and the country, inevitably will come. In the establishment of the tariff board and the giving to it of the powers which he has construed the

EXCERPT FROM SPEECH AT TOLEDO, OHIO

Friends, in closing, I want to say one word about the tariff. We are all everywhere agreed as to the principle of protection, that there should be a tariff high enough in each case to cover the difference in cost of production at home and abroad, so that there shall be an ample protection of our wage-workers in their standard of living, and a reasonable—not unreasonable—profit on the business. We are all agreed as to the principle, and we are all coming to a substantial agreement as to the method of achieving that principle. Both in your State and in mine the party leaders have lagged behind the plain people of the party on this issue, and the true principle of Republicanism as regards the method is not to be found in the tariff planks in New York and Ohio but in the tariff planks of the Republican party in Eastern States like Massachusetts and New Hampshire, and in Western States like Indiana, Iowa, and Kansas. Experience has conclusively shown that the old methods that have obtained since the days of Webster and Clay in making tariffs no longer work justice and are no longer adequate, and we have now definitely concluded, in accordance with the recommendation of President Taft, to adopt the principle of a non-partisan tariff commission of experts who shall find out for themselves the difference in cost of production and not trust to the say-so of any one else, and shall make recommendations to Congress on each schedule by itself, so that Congress shall vote on that schedule alone; thereby avoiding log-rolling and avoiding the shock to business that comes from a general and sweeping reshaping of all the schedules at once.

law to permit him to give, as in his admirable negotiation of treaties with foreign Powers, notably Canada, under the maximum and minimum clauses of the tariff—in those two features of prime importance in connection with the tariff law, President Taft has indicated the way along which this party is going to move.

Your plank continues: "We believe, however, that there should be further legislation to define clearly the powers and duties of such board, and make it a permanent, independent, expert tariff commission"—and I would like to emphasize all three words, "permanent," "independent," "expert"—"the function of which shall be to discover and report to Congress from time to time such facts and statistics as will enable Congress to amend the law intelligently and scientifically, according to the principle of protection."

Let me add here that I should like to have suggested the addition, "according to the principle of protection as construed by the last Republican National platform; which is, to equalize the cost of production here and abroad."

Then, again, in the line of President Taft's declaration, your platform continues: "We believe that such changes should be made in the rules of the House of Representatives, and of the Senate of the United States, as may be necessary to make practical the amendment of the tariff, one schedule at a time."

Now, friends, that represents the practical, common-sense way of removing the only objections to tariff-making in accordance with the principles of the Republican party.

I have got but one thing that I would like to see added to the tariff plank contained in the Massachusetts platform. I would like furthermore to see it made the duty of some Government officials from time to time to investigate any given protected industry so that we can be able to assert with knowledge of the truth that in each industry the laboring men are given the full benefit of the tariff which it is proposed shall be conferred upon them.

II—The Railway Charge

The charge contained in a recent resolution introduced in Congress, that Mr. Roosevelt while President incurred bills amounting to $100,000 for railway travel and refused to pay them, is a falsehood so baseless as to be absurd. When Mr. Roosevelt succeeded to the Presidency in 1901 he continued, as regards the train service, without the slightest change the custom which he found existing, which had been followed throughout the term of service of President McKinley, and which, so far as there was record and so far as Mr. Roosevelt knew, had been followed substantially by preceding Presidents, including Abraham Lincoln, for half a century. Mr. Roosevelt reached Buffalo to take the oath of office, and from there he went back on the funeral train bearing President McKinley's body, first to Washington and then to Canton, the train service being arranged precisely as it had been when President McKinley had come from Washington and Canton to Buffalo, where he was shot. Without the slightest change the traveling arrangements were continued; the same men that had served Mr. McKinley being retained by Mr. Roosevelt when he became President, and continuing to make exactly the same arrangements. The custom was followed in this matter just exactly as it was in other matters; it was, for instance, simply a custom which had grown up and had been practiced by his predecessors, in accordance with which Mr. Roosevelt found that, as President, he paid for the carriages which he used, whereas the Government paid for the horses that dragged them, and that he paid for the food consumed in the dining-room, while the Government paid for the firewood that warmed it and for the men who waited on the table. The custom was followed in one case precisely as it was followed in the other, and it was some time before Mr. Roosevelt made any question in the matter. Moreover, it was an absolute impossibility to change the custom unless Congress provided traveling expenses in some shape or other, which, at that time, Congress declined to do, and which it declined to do for some years after the matter had been repeatedly urged upon the attention of the leading members of the houses, on the authorization of the President. On a special train for a trip of any length of time the ticket for the President himself was not more than a fraction of one per cent of the cost of the train. The expense came in the fact that clerks, stenographers, secretaries, telegraphers, had to be taken along in order that the work of the Nation should continue, that provisions had to be made for newspaper men, sometimes as many as twenty-five accompanying the train, and that accommodation had to be provided for the Governors, Senators, and Congressmen of the different States and districts through which the train passed, who usually came aboard the train as a mark of courtesy to the President while it was passing through their districts. Moreover, reception committees from each town also came aboard the train, usually an hour or two up the line, and traveled to the town. Each one of these men, numbering hundreds in the aggregate, cost his share of the total expense. Moreover, the need of a special train, instead of a special car on a regular train, arose from the demands of the different towns for stoppages of greater or less length. All this represented an amount of expense of a strictly public character. It would have been utterly impossible for Mr. Roosevelt or any other President to have paid for it all out of his private purse; and to pay merely half of one per cent or less, which would have been represented by his ticket, would have been simply a subterfuge. Either the Government had to pay it, or the railways had to pay it, or else no such official journeys could be made at all. So far from its being an imposition on the railways, each trip represented a marked addition to their revenues, and this was so well recognized that there was eager competition among the different railways for carrying the train. Not only was it never necessary to make any demands upon any railways for transportation, so far as Mr. Roosevelt or any other President was concerned (and of course no such demands were ever made by Mr. Roosevelt or with his knowledge or assent, and, so far as he knows, they were never made at all), but the only discussions arose owing to the protest of roads that they were being slighted and were not being given their share of the advertisement and profit that came from taking the President's train. In the Nation at large these protests were frequently made by rival roads against the use of the Pennsylvania system, and in New York State they were repeatedly made against the use of the New York Central system, and sometimes these protests were heeded and the protesting roads given the privilege of taking the train as they desired. Wherever the President's train stopped there were concourses of people who came in on regular and special trains from the country round about, and it was this increase of traffic, and the advertisement, which made the roads so anxious to carry the train.

From the standpoint of the railways, therefore, the system which had so long obtained worked no injustice. However, Mr. Roosevelt felt that it was an undesirable system. He did all that he could to have it altered, and finally succeeded in persuading Congress to make an annual appropriation for the traveling expenses of the President.

In short, Mr. Roosevelt, when he came

into the Presidency, followed precisely the course that had been followed under his predecessor, Mr. McKinley, which was substantially the course that had been followed since the days of Lincoln. The only difference was that Mr. Roosevelt then set to work and got the practice changed, so that for the last three years of his term the right practice was adopted and continued.

All these facts are perfectly familiar to every public man in Washington, and are perfectly familiar to all concerned in introducing the resolution in Congress. Not a thing was ever done in this matter by Mr. Roosevelt or any other President save with entire openness. The animus of the attack is shown by the subsequent effort to bring in an investigation as to Mr. Roosevelt's expenses while traveling as a private citizen in Europe. This effort can be stigmatized only as disgraceful. Mr. Roosevelt was absent for a year and a quarter in Africa and Europe. During this time the Government paid not one dollar for his expenses, yet during four-fifths of that time—that is, during his entire African journey—Mr. Roosevelt was working for the Government in connection with an expedition of which the expenses were paid by private individuals, and all that the Government did, without paying out anything, was to receive a collection of literally priceless value, a collection far more extensive and more valuable than any similar collection ever presented by any private individuals to any one of the great museums in Europe, whether the British Museum, the Berlin Museum, or any other. The expedition cost Mr. Roosevelt out of his private purse very large sums of money, for which he neither wished nor took nor would have accepted anything in the way of compensation from the Government. Mr. Roosevelt was only too glad to give this collection, which has no money value, but which, if a money value was put upon it, would amount to many scores of thousands of dollars, to the Government, the gift being an outright gift from himself and from the other gentlemen who had borne the expense. He has neither expected nor received any thanks from the Government for giving it. But for their own good name—for their action will have not the slightest effect upon Mr. Roosevelt—decent members of Congress should refrain from treating the giving of such a gift as the occasion for baseless assaults upon the giver.

So much for Africa. In Europe, again, Mr. Roosevelt was put to serious personal expense because he was forced to travel under conditions which made him in a sense a public representative of the American people, but he took not one dollar from the Government. As Special Ambassador he was entitled to certain funds, but he never either asked for them or would have consented to receive them if they had been offered. He was offered, as his right as Special Ambassador, to have whatever he brought back from Europe admitted free of duty. This he declined, and paid duty on everything precisely as any other citizen would have done. When he stayed at hotels and traveled in trains, he paid for his accommodations and tickets exactly as any one else paid, and neither he nor any one else by his authority, ever, under any circumstances, whether through American or governmental officers or in any other way, asked for any special treatment.

III—The Discussion with Judge Baldwin

The controversy with Judge Baldwin, of New Haven, now Governor of Connecticut, sprang from a speech which Mr. Roosevelt made in Concord, New Hampshire, and in which he stated that the attitude of Judge Baldwin towards legislation in defense of the laboring man was a retrogressive and reactionary attitude. Judge Baldwin resented this criticism by Mr. Roosevelt, expressed the opinion that its repetition in print was libelous, and publicly stated that if Mr. Roosevelt did not withdraw it he should sue the latter for libel. A correspondence covering several weeks followed between the two men, and Governor Baldwin has finally written to Mr. Roosevelt saying that he has abandoned the idea of a libel suit. Mr. Roosevelt's position in the controversy can best be stated by printing the last letter which he wrote to Mr. Baldwin, and which follows herewith:

New York, December 15, 1910.

Dear Sir:

I have thought carefully over your letter. If I could consider only your personal feelings, I would very gladly express my regret that I had wounded your feelings in any way and try to meet your wishes, if it were possible, as to the form my regret should take. You must know that in saying what I did and in my consequent correspondence with you I was actuated by no feeling of personal rancor or hostility.

You were a candidate for the Governorship of Connecticut. I was discussing a matter which related directly to your availability for that office. I was criticising, not your personal character, which I doubt not is high, but a specific opinion on a most important subject expressed by you as a Judge. Nor was the opinion which I criticised in our correspondence in itself unimportant from a public standpoint. It vitally affected the welfare of all wage-earners. It involved a statute, enacted by the United States, intended to afford railroad employees legal redress which had not theretofore been furnished them by law. Your decision in the Hoxie case which I criticised was, in fact, of great public importance, not only in your own State, but so far as it might obtain influence as a judicial precedent in other States as well. This decision, with the argument of the lawyers, had been, as you probably know, put into pamphlet form by the railroad interests and circulated generally throughout the United States among railroad lawyers engaged in the effort to nullify and destroy this law. It was the main support of the railway's interests in their efforts to defeat this National law. In this decision you had declared one of the sections of this law unconstitutional, a section which related to the very essence of the Act so far as a very large number of employees is concerned, and which was the main subject of my criticism of you, and you further had embodied in it as a Judge your political philosophy of opposition to so-called centralization (under which philosophy the National Government would be a foreign power in Connecticut), by refusing to permit this law of the United States to be enforced through the courts of Connecticut. Other courts, which have in other States considered your decision, have criticised and refused to follow this part of your opinion which related to the right of a State court to refuse to recognize or enforce a National statute. You do not question, I assume, the right of other judges to criticise your opinion as bad law on this point. As to this I had not criticised you. The defect in the Federal law which you claimed afforded you a basis for refusing to give this employee legal redress in the Connecticut courts was one easily obviated by amendment to the Act. This was subsequently done by Congress. I criticised the other branch of the case, the part of your decision which, if it be correct, could *not* be obviated by any amendment, and would make your decision as important to the working people of the United States as the Dred Scott case was to the negro race in the days of slavery.

My criticisms are fully embodied in my previous letters, and need not of course be repeated here. I do not see how it will be possible for me to give you a retraction of any part of my letters or my speech, without basing my retraction on the assertion that there never was a Hoxie case and that you never wrote the opinion in it. I could not make a retraction without such a declaration.

If there is to be a libel suit, I must, therefore, place upon you the full responsibility for its commencement and must decline to take any joint action with you such as you suggest for the submission of the matter to a referee. It is preferable, I think, if you conceive it necessary that there should be such a suit, that it should take its course in a usual rather than an unusual way. I of course prefer that no suit should be brought; but, if one is brought, I feel too deeply on the principle involved in this controversy, for which I have contended for many years, to avoid the issue in such a suit. The main issue in our controversy seems to me to be one which can readily be passed upon by those who have sufficient education to read and understand English and who have before them my letters and your opinion. The inaccurately reported sentence in my speech at Concord to which you object is, as you state in your first letter, the sentence which read:

> The Democratic party in Connecticut have nominated for Governor a man who while Judge occupied the most retrogressive position possible on this question of workmen's compensation, a man who took the view that it was competent for a workman when driven to accept any employment to bind himself not to be compensated if he lost life or limb in that occupation.

You say that you do not object to the first part of the sentence, but that you do object to so much of it as says that you "took the view that it was competent for the workman when driven to accept any employment to bind himself not to be compensated if he lost life or limb in that occupation." You say that you never held such an opinion, and that such a view would be opposed to the settled principles of law and that no competent lawyer could or would take it. The New York "Sun," at the time your first letter came out, quoted you as saying: "*I have no recollection* of ever taking on any trial or in any judicial opinion the view attributed to me by ex-President Roosevelt, and I do not believe I ever did." The inference is mine that you had forgotten when you made this sweeping denial that you had taken in the Hoxie case the position which was substantially that which I criticised. I did not use the phraseology as quoted. I did express substantially the same idea. Assuming, therefore, the quotation to be accurate, I still insist that any distinction between this statement and your decision is impossible to draw and that the statement is in fact true.

Consider the thing for a moment: Section 5 of the Federal Employers' Liability Act said that "any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void." By this section Congress declared that the railroads should not make agreements with their employees by which the employee should contract to lose any rights which the statute conferred, of compensation if he lost life or limb in the railroad occupation. In other words, Congress said it was *not* competent for the workman to bind himself *not* to be compensated if he lost life or limb while in the railroad employ. You declared that to take away from the railroad employee the right to bind himself by such a contract to be killed without redress under this act was "in violation of the Fifth Amendment of the Constitution of the United States as tending to deprive the parties to such contract of liberty and property without due process of law." You say specifically as to railroad employees that this section of the law "denies them one and all that liberty of contract which the Constitution of the United States secures to every one within its jurisdiction." In all earnestness and sincerity, I ask, what other conclusion is there for a man who gives language its ordinary meaning to draw from your opinion on this point, except a conclusion that in your judgment it *was* competent for the employee to bind himself not to be compensated if he lost life or limb in the railroad occupation? I again insist, as I have repeatedly insisted in my letters, that I have construed your decision fairly and according to its obvious meaning.

I am informed that you were not constrained to make this decision by any previous precedents of your own court. One of the very cases which you mentioned in your letter to me shows, I am told, that this was the situation. I have read with interest that decision, *Darrigan v. N. Y. & N. E. R. R. Co.*, Conn. 285. In that case, you will remember, you were the counsel for the railroad. A locomotive engineer had been injured by the collision of two trains through the carelessness of a train despatcher. There was a printed rule of the Company, which had been placed in this engineer's hands when he went to work, which said: "The regular compensation of employees covers all risk or liability to accident." You urged as lawyer for that railroad that this rule virtually expressed a contract between the railroad and the employee, and that the employee should not be compensated, because his injury was the result of a risk which he had voluntarily taken upon himself. Nevertheless, the Court did not accept your argument. It left the whole matter open as not necessary for decision in this particular case. It said:

> *When such a question is presented, we may be called upon to consider whether public policy will permit a railroad company to make such a contract with its employees.*

When, after the passage of years, you became, instead of counsel for the railroad, Judge of the highest Court of your State, you decided in this Hoxie case that the public policy of the law shut the door of justice upon the crippled employee, not only shut the door, but locked it, sealed it, and barricaded it, by placing the Fifth Amendment of the United States Constitution between the employee and the possibility of justice. This doctrine, in my judgment, and I venture to say in the judgment of thousands of citizens, many of whom differ with me fundamentally on other matters, was unjust, unreasonable, reactionary in the extreme, and threatened the actual welfare of countless thousands of workmen. I conceive it to be not only a right, but a public duty, to criticise it as I did.

If the letters which I sent to you, and in which I quoted your exact language and added my comments, are libelous, then every labor leader who ventures to agitate for reform in accident law is in danger of a libel suit, and every man who in an efficient and effective, instead of a half-hearted fashion, agitates for reform, will be in a very real danger of a libel suit, provided the interest attacked is sufficiently powerful to undertake the suit and deems the case important enough to warrant such action. All proper public discussions of the principles set forth by you in your decision would be at an end, if it were once settled that words such as I have used offer groundwork for a libel suit. Under this theory of judicial exemption from just criticism, the proper way to have dealt with Lincoln in '58, when he criticised the Dred Scott decision in language infinitely more severe than any words of mine, would have been to have him sued for libel by Chief Justice Taney. This extraordinary doctrine which you seem to advance amounts to notice that the doctrine of *lèse majesté*, as applied in the most autocratic governments of the world, is to be carried to its fullest extent against American citizens discussing their public servants and candidates for their suffrages. The establishment of such a principle would be from my standpoint so outrageous, would represent such an infamous wrong against the principles of American Government, that I feel obliged to sink my own personal wishes and to accept the issue if you tender it to me.

Let me repeat that I cannot treat this case, or our controversy about it, as merely personal to me. I hold that the growth of our industrial system and the enormous changes in our social and industrial life during the past sixty or seventy years render it imperative that there shall be a reshaping of legislative action if the interests of the wage-worker and the laborer are to be served. In this opinion I am fortified by the enlightened judgment of the courts and the opinion of far-seeing judges.

I hold in my hand as I write the report of one of the best commissions which ever performed public service in the consideration of this enormously important question of industrial accidents. It is the report to the New York Legislature of a commission appointed to inquire into the question of employers' liability and other matters. It contains a number of letters from judges concerning the status of the injured workmen under the law in New York. These judges are among the most learned in the State. They are unanimous in finding that the law which they are called upon to apply in these cases is out of date, is in essential particulars unjust, and requires change. Their criticism is far more sweeping than any statement of mine. They state that the interests of justice require that law to be changed and improved. With these letters are letters from four of the judges of the United States Courts sitting in New York, one of them a former distinguished Justice of the Connecticut courts. They are also of the opinion that justice demands fundamental changes in that law. These letters show the sympathetic spirit of these judges toward the great judicial function of doing justice, and their desire that the lawmaking power should interpose its hand, so that through such legislation justice might be done. These criticisms are, moreover, in a State which is already on record in a decision of its highest court that contracts such as you say railroad employees have an inalienable, Constitutional right to make, are against public policy of the State, and are void, even though there was no statute forbidding such contracts. The thing which the highest court of New York said could not be done, even when there was no statute declaring that it must *not* be done, you have declared can be done, and that the right to make such contracts cannot be forbidden by a statute enacted by the lawmaking power of the Nation.

The so-called freedom of contract which you have enunciated in that decision is a relic of barbarism. It is an empty and imaginary theory of freedom which is opposed to the known fact that to a large extent there is no freedom in the contract which the employee makes with the great employer. He has to take in countless instances his employment under such rules as the employer may impose, and if the employer may impose by a rule or a "contract" the denial of rights created by a statute, intended to operate in the employee's favor, the theory of the employee's freedom in accepting that rule or making that contract is a delusion and a sham. The theory of "freedom," of which you are the resolute defender in this opinion, would, if extended, undermine the very basis of all the child labor legislation in the United States, and of all legislation regulating industry to prevent the exploitation of human lives where excessive competition threatens them, and where long hours and evil conditions of labor are destructive of manhood and womanhood. It would undermine every law intended to make living conditions more tolerable for working people. If the workman has a right to contract to take the risk of being killed through the negligence of his employer, has a right to contract to receive no benefit from a statute which is created to afford him a benefit, he has a right to contract to live in a filthy tenement, and laws requiring property-owners to make these tenements habitable can be undermined and nullified as limiting the "freedom" of the tenement dweller to live in filth and pestilence. And yet you think that this issue between legal barbarism and the enlightened judgment of all humane and right-thinking men is so petty and personal that it can be settled by a slander or libel suit brought by you against me.

Your decision against the Federal Employment Liability Act can in my view be justified only by adhering to an economic philosophy of government which I hold would result in making and keeping the workman in a state of helplessness so far as his own rights are concerned. The lawmaking branches of our State and National Governments are recognizing the necessity of making these changes, so as to better the position of the workman, crippled in industry and in his fight for redress and justice in the courts. Your decision in a very fundamental matter denies not merely justice to the workman, but lies like a dead tree in the very pathway of remedial justice by declaring powerless the branch of government from which this redress must come.

If your suit is brought, my political opponents may make such capital of it as they choose. Those who are endeavoring to spread a false notion among conservative but high-minded citizens that I am an unfair critic of the courts may find such points for their charges in this controversy as they see fit. However, they can make capital out of my attitude in this controversy, as it seems to me, only by ignoring or denying three highly important considerations: first, that your decision which I have criticised, and continue to criticise, is morally wrong and is contrary both to public policy and to justice; secondly, that it is dangerous to our democracy to allow any court to claim immunity from fair criticism or objection, when it circumscribes a legitimate and proper field of legislation by interposing Constitutional objections where they do not exist; and, lastly, they must be prepared to assert that, because a man has been a Judge, this fact alone should exempt him from fair criticism, even when he is no longer a Judge, but a candidate for the highest elective office of the State.

Yours truly,

(Signed) THEODORE ROOSEVELT.

The Hon. Simeon E. Baldwin,
New Haven, Connecticut.

To this letter Governor Baldwin replied, under date of January 2, in a friendly spirit, asserting that Mr. Roosevelt misinterpreted his decision, and that the point at issue between them still exists as to the law and the facts, but that, having become convinced of Mr. Roosevelt's sincerity in the matter and his freedom from personal hostility, and in view of the official position and duties which he himself has assumed since the campaign, he has decided not to bring the libel suit which he at first proposed. The importance of this matter consists, not in the fact that a libel suit has been avoided, but in the fact that the event has brought clearly before the public the important question as to how far the State through legislation should concern itself, not merely with the protection of life and property, but with the promotion of the general social welfare.

A New Study of the Constitution

"The Constitution of the United States, its History, Application, and Construction," by David K. Watson, would be a valuable addition to an editor's library, if he would really make use of it in his current interpretation of the Constitution for the leading (which is now often unfortunately the misleading) of his readers. It will be a very valuable addition to the libraries of those lawyers who have not access to those larger libraries and the original sources therein contained on which Dr. Watson has depended. And it will be a very useful volume even to those lawyers who have access to such libraries, since it will give them sometimes an adequate substitute for original investigation, and often a valuable clue to follow in their investigating. There are two sources to which we may go in our study of the Constitution of the United States. We may go to the decisions of the courts to learn what they have said it means, and how it is to be applied to modern conditions; or we may go to the debates of the Constitutional Convention and to other contemporaneous literature to learn what its framers intended and how it was understood at the time it was promulgated.

Dr. Watson's work may be characterized as both a historical and a judicial interpretation of the Constitution. That document, it ought never to be forgotten, was not the product of one mind; it was not, strictly speaking, the product of one Convention. It has a historical background, and was a growth rather than a creation, or, let us say, like the world, a creation in and by growth. Thus, to take a single illustration, "we find the earliest antecedent of the Preamble, almost a century and a half before the adoption of the Constitution, in the second article of the New England Confederation of 1643." The Constitution provides that "the executive power shall be vested in a President of the United States of America." The Outlook, following Mr. James Bryce and Mr. John Fiske, has said that this clause confers on the President powers analogous to those possessed by the King of England at the time the Constitution was adopted, except as those powers are modified by attendant clauses of the Constitution. The debates within and without the Convention which accompanied the adoption of this clause confirm this statement, while at the same time they define the limitations and indicate their importance. Thus Alexander Hamilton, in the "Federalist," pointed out that the President was an elected officer serving for four years, the King a perpetual and heredity officer; the former was liable to punishment, the latter immune; the former had a qualified, the latter an absolute, veto power over legislation; the former commanded the army, but could not declare a war as the latter could do; the former shared with the Senate the power of making treaties, which the latter possessed alone. These and other contrasts make clear the *difference* between the executive power of the President and of the King, but they make it equally clear that, however important, they are specific limitations on a power which in its general purpose and effect was that of a constitutional monarch. Both are clothed with executive power. In both that power is subject to certain limitations. The limitations in the case of the President are greater than in the case of the King.

An illustration of the other aspect of this work is afforded by its treatment of the clause of the Constitution conferring on Congress power to regulate inter-State and foreign commerce. "This clause," Dr. Watson tells his readers, "did not attract much attention in the Constitutional Convention." In fact, in determining its significance not much regard can be paid to contemporaneous discussion. But Dr. Watson is quite correct in saying that "for many years it has been, and will continue to be, the most potent provision of the Constitution, having become the basis of our National commercial system." And he devotes over forty pages to a report of interpretations, chiefly judicial, of this commerce clause. So far as we can judge, Dr. Watson has done his work with great impartiality. His spirit is academic. He does not appear as an advocate of any particular interpretation, but as a fair-minded historical reporter of the interpretations which have been given to the Constitution, on the one hand by contemporaneous discussion, on the other hand by subsequent interpretation. (Callaghan & Co., Chicago. $12.)

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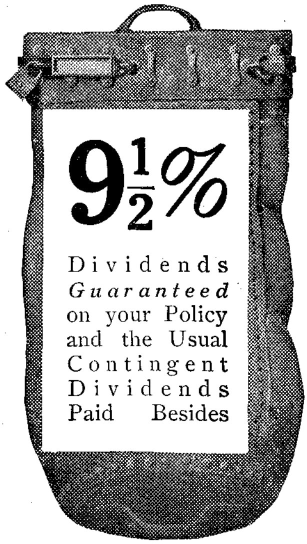

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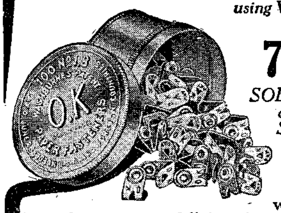

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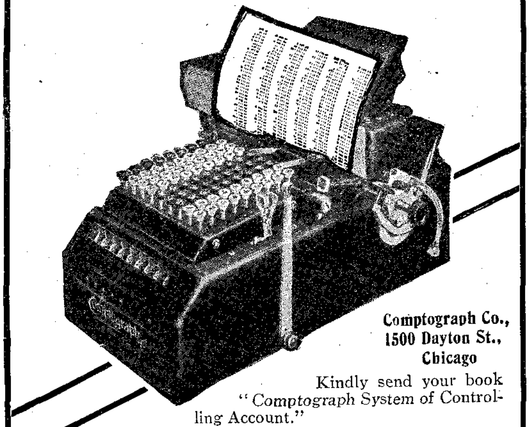

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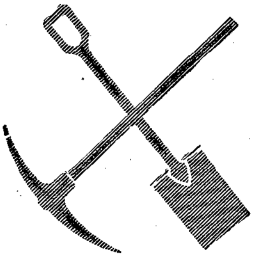

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